



Reprinted
February 21, 2001

SENATE BILL No. 525

DIGEST OF SB 525 (Updated February 20, 2001 3:12 PM - DI 44)

Citations Affected: IC 4-10; IC 4-21.5; IC 4-22; IC 5-14; IC 6-1.1; IC 6-1.5; IC 8-3; IC 33-3; IC 36-2; IC 36-4; IC 36-6; noncode.

Synopsis: Property tax assessment and administration. Provides that the next general reassessment of real property shall be completed on or before March 1, 2002, instead of March 1, 2001, and that general reassessments will occur every four years thereafter. Makes various amendments concerning the conduct of a general reassessment and the appeal process. Raises from 50 to 150 the acreage of certain organizations eligible for exemption from property taxes. Provides that tangible property owned by an Indiana nonprofit corporation and used by that corporation in the operation of a hospital is exempt from property taxation. Directs the county fiscal body to establish a sales disclosure fund and establishes procedures for administration of the fund. Makes various amendments concerning assessor training and certification. Creates a state agency, the Indiana board of tax review (Indiana board), to hear appeals from determinations of county property tax assessment boards of appeal and the state board of tax commissioners (state board). Provides that determinations of the Indiana board are appealable to the Indiana tax court. Requires the Indiana board to perform certain data analysis functions, and makes conforming amendments. Requires the Indiana board to make software available to each county and township to permit transfer of certain data to the board. Amends the procedure for claiming a property tax refund and the interest rate applicable to refunds. Requires the state board to conduct annual personal property assessment audits. Makes certain items ineligible for the personal property tax reduction credit, and specifies eligibility for the credit in each county. Repeals certain provisions concerning tax abatement and state board employees. Authorizes the state board to approve a levy through calendar year 2003 for a reassessment fund for the next general reassessment.

Effective: July 1, 2000 (retroactive); January 1, 2001 (retroactive); upon passage; July 1, 2001; January 1, 2002; July 1, 2002.

Kenley, Simpson, Jackman, Meeks R

January 22, 2001, read first time and referred to Committee on Rules and Legislative Procedure.
January 30, 2001, amended, reported favorably — Do Pass; reassigned to Committee on Finance.
February 15, 2001, amended, reported favorably — Do Pass.
February 20, 2001, read second time, amended, ordered engrossed.

SB 525—LS 8098/DI 52



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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

SENATE BILL No. 525

A BILL FOR AN ACT to amend the Indiana Code concerning
taxation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 4-10-13-5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) The ~~state~~ **Indiana**
3 board of tax ~~commissioners review~~ shall prepare and publish each year
4 the following report which must contain the following property tax data
5 by counties or by appropriate taxing jurisdictions:
6 (1) The tax rates of the various taxing jurisdictions.
7 (2) An abstract of taxable real property including a recital of the
8 number of parcels and the gross assessed valuation of nonfarm
9 residential property including improvements thereon, the number
10 of parcels and the gross assessed valuation of commercial and
11 industrial real property, including improvements thereon, the
12 number of parcels and the gross assessed valuation of unimproved
13 real property, the number of parcels and the gross assessed
14 valuation of agricultural acreage including improvements thereon,
15 the total amount of the gross assessed valuation of real estate and
16 the total assessed valuation of improvements thereon. The
17 abstract shall also include a recital of the total amount of net

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valuation of real property.

(3) The total assessed valuation of personal property belonging to steam and electric railways and to public utilities.

(4) The total number of taxpayers and the total assessed valuation of household goods and personal effects, excluding boats subject to the boat excise tax under IC 6-6-11.

(5) The total number of units assessed and the assessed valuation of each of the following items of personal property:

(A) Privately owned, noncommercial passenger cars.

(B) Commercial passenger cars.

(C) Trucks and tractors.

(D) Motorcycles.

(E) Buses.

(F) Mobile homes.

(G) Boats.

(H) Airplanes.

(I) Farm machinery.

(J) Livestock.

(K) Crops.

(6) The total number of taxpayers and the total valuation of inventories and other personal property belonging to retail establishments, wholesale establishments, manufacturing establishments, and commercial establishments.

(b) The ~~state Indiana~~ board of tax ~~commissioners review~~ is hereby authorized to prescribe and promulgate the forms as are necessary for the obtaining of such information from local assessing officials. The local assessing officials are directed to comply with this section.

SECTION 2. IC 4-10-13-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. (a) The manner of publication of any of the reports as herein required shall be prescribed by the state budget committee, and the cost of publication shall be paid from funds appropriated to such state agencies and allocated by the state budget committee to such agencies for such purpose.

(b) A copy of such reports shall be presented to the governor, the ~~state Indiana~~ board of tax ~~commissioners review~~, the state budget committee, the commission on state tax and financing policy, the Indiana legislative advisory commission, and to any other state agency that may request a copy of such reports.

SECTION 3. IC 4-21.5-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) This article does not apply to any of the following agencies:

(1) The governor.

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(2) The state board of accounts.

(3) The state educational institutions (as defined by IC 20-12-0.5-1).

(4) The department of workforce development.

(5) The unemployment insurance review board of the department of workforce development.

(6) The worker's compensation board.

(7) The military officers or boards.

(8) The Indiana utility regulatory commission.

(9) The department of state revenue (excluding an agency action related to the licensure of private employment agencies).

(10) The state board of tax commissioners.

(11) The Indiana board of tax review.

(b) This article does not apply to action related to railroad rate and tariff regulation by the Indiana department of transportation.

SECTION 4. IC 4-22-2.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. This chapter does not apply to the following:

(1) Rules adopted by the department of state revenue.

(2) Rules adopted by the state board of tax commissioners **or the Indiana board of tax review.**

(3) Rules adopted under IC 13-14-9 by the department of environmental management or a board that has rulemaking authority under IC 13.

(4) A rule that incorporates a federal regulation by reference or adopts under a federal mandate a federal regulation in its entirety without substantive additions.

SECTION 5. IC 5-14-1.5-5, AS AMENDED BY P.L.251-1999, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) Public notice of the date, time, and place of any meetings, executive sessions, or of any rescheduled or reconvened meeting, shall be given at least forty-eight (48) hours (excluding Saturdays, Sundays, and legal holidays) before the meeting. This requirement does not apply to reconvened meetings (not including executive sessions) where announcement of the date, time, and place of the reconvened meeting is made at the original meeting and recorded in the memoranda and minutes thereof, and there is no change in the agenda.

(b) Public notice shall be given by the governing body of a public agency by:

(1) posting a copy of the notice at the principal office of the public agency holding the meeting or, if no such office exists, at

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the building where the meeting is to be held; and

(2) depositing in the United States mail with postage prepaid or by delivering notice to all news media which deliver by January 1 an annual written request for such notices for the next succeeding calendar year to the governing body of the public agency. If a governing body comes into existence after January 1, it shall comply with this subdivision upon receipt of a written request for notice.

In addition, a state agency (as defined in IC 4-13-1-1) shall provide electronic access to the notice through the computer gateway administered by the intelnet commission under IC 5-21-2.

(c) Notice of regular meetings need be given only once each year, except that an additional notice shall be given where the date, time, or place of a regular meeting or meetings is changed. This subsection does not apply to executive sessions.

(d) If a meeting is called to deal with an emergency involving actual or threatened injury to person or property, or actual or threatened disruption of the governmental activity under the jurisdiction of the public agency by any event, then the time requirements of notice under this section shall not apply, but:

(1) news media which have requested notice of meetings must be given the same notice as is given to the members of the governing body; and

(2) the public must be notified by posting a copy of the notice according to this section.

(e) This section shall not apply where notice by publication is required by statute, ordinance, rule, or regulation.

(f) This section shall not apply to:

(1) the state board of tax commissioners, **the Indiana board of tax review**, or any other governing body which meets in continuous session, except that this section applies to meetings of these governing bodies which are required by or held pursuant to statute, ordinance, rule, or regulation; or

(2) the executive of a county or the legislative body of a town if the meetings are held solely to receive information or recommendations in order to carry out administrative functions, to carry out administrative functions, or confer with staff members on matters relating to the internal management of the unit. "Administrative functions" do not include the awarding of contracts, the entering into contracts, or any other action creating an obligation or otherwise binding a county or town.

(g) This section does not apply to the general assembly.

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(h) Notice has not been given in accordance with this section if a governing body of a public agency convenes a meeting at a time so unreasonably departing from the time stated in its public notice that the public is misled or substantially deprived of the opportunity to attend, observe, and record the meeting.

SECTION 6. IC 6-1.1-1-8.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 8.3. "Indiana board" refers to the Indiana board of tax review established by IC 6-1.5-2-1.**

SECTION 7. IC 6-1.1-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000 (RETROACTIVE)]: Sec. 4. (a) A general reassessment, involving a physical inspection of all real property in Indiana, shall begin July 1, ~~1999~~, **2000**, and each fourth year thereafter. Each reassessment shall be completed on or before March 1, of the immediately following ~~odd-numbered~~ **even-numbered** year, and shall be the basis for taxes payable in the year following the year in which the general assessment is to be completed.

(b) In order to ensure that assessing officials and members of each county property tax assessment board of appeals are prepared for a general reassessment of real property, the state board of tax commissioners shall give adequate advance notice of the general reassessment to the county and township taxing officials of each county.

SECTION 8. IC 6-1.1-4-13.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: **Sec. 13.8. (a) As used in this section, "commission" refers to a county land valuation commission established under subsection (b).**

(b) A county land valuation commission is established in each county for the purpose of determining the value of commercial, industrial, and residential land (including farm homesites) in the county.

(c) The county assessor is chairperson of the commission.

(d) The following are members of the commission:

(1) The county assessor.

(2) Each township assessor, when the respective township land values for that township assessor's township are under consideration. A township assessor serving under this subdivision shall vote on all matters relating to the land values of that township assessor's township.

(3) One (1) township assessor from the county to be appointed by a majority vote of all the township assessors in the county.



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The county assessor shall cast a vote only to break a tie.

(4) One (1) county resident who:

(A) holds a license under IC 25-34.1-3 as a salesperson or broker; and

(B) is appointed by:

(i) the board of commissioners (as defined in IC 36-3-3-10) for a county having a consolidated city; or

(ii) the county executive (as defined in IC 36-1-2-5) for a county not described in item (i).

(5) Four (4) individuals who:

(A) are appointed by the county executive (as defined in IC 36-1-2-5); and

(B) represent one (1) of the following four (4) kinds of land in the county:

(i) Agricultural.

(ii) Commercial.

(iii) Industrial.

(iv) Residential.

Each of the four (4) kinds of land in the county must be represented by one (1) individual appointed under this subdivision.

(6) One (1) individual who:

(A) represents financial institutions in the county; and

(B) is appointed by:

(i) the board of commissioners (as defined in IC 36-3-3-10) for a county having a consolidated city; or

(ii) the county executive (as defined in IC 36-1-2-5) for a county not described in item (i).

(e) The term of each member of the commission begins November 1, two (2) years before the general reassessment begins under IC 6-1.1-4-4, and ends January 1 of the year the general reassessment begins under IC 6-1.1-4-4. The appointing authority may fill a vacancy for the remainder of the vacated term.

(f) The commission shall determine the values of all classes of commercial, industrial, and residential land (including farm homesites) in the county using guidelines determined by the state board of tax commissioners. Not later than November 1 of the year preceding the year in which a general reassessment begins, the commission determining the values of land shall submit the values, all data supporting the values, and all information required under rules of the state board of tax commissioners relating to the determination of land values to the county property tax assessment



board of appeals and the Indiana board of tax review. Not later than January 1 of the year in which a general reassessment begins, the county property tax assessment board of appeals shall hold a public hearing in the county concerning those values. The property tax assessment board of appeals shall give notice of the hearing in accordance with IC 5-3-1 and shall hold the hearing after March 31 of the year preceding the year in which the general reassessment begins and before January 1 of the year in which the general reassessment under IC 6-1.1-4-4 begins.

(g) The county property tax assessment board of appeals shall review the values, data, and information submitted under subsection (f) and may make any modifications it considers necessary to provide uniformity and equality. The county property tax assessment board of appeals shall coordinate the valuation of property adjacent to the boundaries of the county with the county property tax assessment boards of appeals of the adjacent counties using the procedures adopted by rule under IC 4-22-2 by the state board of tax commissioners. If the commission fails to submit land values under subsection (f) to the county property tax assessment board of appeals before January 1 of the year the general reassessment under IC 6-1.1-4-4 begins, the county property tax assessment board of appeals shall determine the values.

(h) The county property tax assessment board of appeals shall give notice to the county and township assessors of its decision on the values. The notice must be given before March 1 of the year the general reassessment under IC 6-1.1-4-4 begins. Within twenty (20) days after that notice, the county assessor or a township assessor in the county may request that the county property tax assessment board of appeals reconsider the values. The county property tax assessment board of appeals shall hold a hearing on the reconsideration in the county. The county property tax assessment board of appeals shall give notice of the hearing under IC 5-3-1.

(i) Within twenty (20) days after notice to the county and township assessor is given under subsection (h), a taxpayer may request that the county property tax assessment board of appeals reconsider the values. The county property tax assessment board of appeals may hold a hearing on the reconsideration in the county. The county property tax assessment board of appeals shall give notice of the hearing under IC 5-3-1.

(j) A taxpayer may appeal the value determined under this section as applied to the taxpayer's land as part of an appeal filed under IC 6-1.1-15 after the taxpayer has received a notice of

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assessment. If a taxpayer that files an appeal under IC 6-1.1-15 requests the values, data, or information received by the county property tax assessment board of appeals under subsection (f), the county property tax assessment board of appeals shall satisfy the request. The Indiana board of tax review may modify the taxpayer's land value and the value of any other land in the township, the county where the taxpayer's land is located, or the adjacent county if the state board of tax commissioners determines it is necessary to provide uniformity and equality.

(k) The county assessor shall notify all township assessors in the county of the values as determined by the commission and as modified by the county property tax assessment board of appeals or state board under this section. Township assessors shall use the values determined under this section.

SECTION 9. IC 6-1.1-4-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 17. (a) Subject to the approval of the ~~state Indiana~~ board of tax ~~commissioners~~ review and the requirements of section 18(a) of this chapter, a:

(1) township assessor; or

(2) group consisting of the county assessor and the township assessors in a county;

may employ professional appraisers as technical advisors.

(b) After notice to the county assessor and all township assessors in the county, a majority of the assessors authorized to vote under this subsection may vote to:

(1) employ a professional appraiser to act as a technical advisor in the county during a general reassessment period;

(2) appoint an assessor or a group of assessors to:

(A) enter into and administer the contract with a professional appraiser employed under this section; and

(B) oversee the work of a professional appraiser employed under this section.

Each township assessor and the county assessor has one (1) vote. A decision by a majority of the persons authorized to vote is binding on the county assessor and all township assessors in the county. Subject to the limitations contained in section 18(a) of this chapter, the assessor or assessors appointed under subdivision (2) may contract with a professional appraiser employed under this section to supply technical advice during a general reassessment period for all townships in the county. A proportionate part of the appropriation to all townships for assessing purposes shall be used to pay for the technical advice.

(c) As used in this chapter, "professional appraiser" means an



individual or firm that is certified under IC 6-1.1-31.7.

SECTION 10. IC 6-1.1-4-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 18. (a) A township assessor, a group of township assessors, or the county assessor may not utilize the services of a professional appraiser for assessment or reassessment purposes without a written contract. The contract used must be either a standard contract developed by the ~~state~~ **Indiana** board of tax ~~commissioners review~~ or a contract which has been specifically approved by the ~~state~~ **Indiana** board of tax ~~commissioners review~~. **The Indiana board is a party to a contract under this section. As a party to the contract, the Indiana board shall ensure that:**

(1) the contract includes all of the provisions required under section 19(b) of this chapter; and

(2) the contract adequately provides for the creation and transmission of real property assessment data in the form required by the Indiana board for inclusion in the Indiana board's data base under IC 6-1.5-6.

(b) No contract shall be made with any professional appraiser to act as technical advisor in the assessment of property, before the giving of notice and the receiving of bids from anyone desiring to furnish this service. Notice of the time and place for receiving bids for the contract shall be given by publication by one (1) insertion in two (2) newspapers of general circulation published in the county and representing each of the two (2) leading political parties in the county; or if only one (1) newspaper is there published, notice in that one (1) newspaper is sufficient to comply with the requirements of this subsection. The contract shall be awarded to the lowest and best bidder who meets all requirements under law for entering a contract to serve as technical advisor in the assessment of property. However, any and all bids may be rejected, and new bids may be asked.

~~(b)~~ **(c)** The county council of each county shall appropriate the funds needed to meet the obligations created by a professional appraisal services contract which is entered into under this chapter.

SECTION 11. IC 6-1.1-4-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 19. (a) The ~~state~~ **Indiana** board of tax ~~commissioners review~~ shall develop a standard contract, or standard provisions for contracts, to be used in securing professional appraising services.

(b) The standard contract, or contract provisions, shall contain:

(1) a fixed date by which the professional appraiser or appraisal firm shall have completed all responsibilities under the contract;



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- (2) a penalty clause under which the amount to be paid for appraisal services is decreased for failure to complete specified services within the specified time;
- (3) a provision requiring the appraiser, or appraisal firm, to make periodic reports to the township assessors involved;
- (4) a provision stipulating the manner in which, and the time intervals at which, the periodic reports referred to in clause (3) of this subsection are to be made; ~~and~~
- (5) a precise stipulation of what service or services are to be provided and what class or classes of property are to be appraised; ~~and~~
- (6) a provision stipulating that the contractor will generate complete parcel characteristics and parcel assessment data in a manner and format acceptable to the Indiana board of tax review.**

The ~~state Indiana~~ board of tax ~~commissioners review~~ may devise other necessary provisions for the contracts in order to give effect to the provisions of this chapter.

(c) In order to comply with the duties assigned to it by this section, the ~~state Indiana~~ board of tax ~~commissioners review~~ may develop:

- (1) one (1) or more model contracts;
- (2) one (1) contract with alternate provisions; or
- (3) any combination of clauses (1) and (2) of this subsection.

The board may approve special contract language in order to meet any unusual situations.

SECTION 12. IC 6-1.1-4-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 25. **(a)** Each township assessor shall keep his reassessment data and records current by securing the necessary field data and by making changes in the assessed value of real property as changes occur in the use of the real property. His records shall at all times show the assessed value of real property in accordance with the provisions of this chapter. The township assessor shall ensure that the county assessor has full access to the assessment records maintained by the township assessor.

(b) The township assessor, or the county assessor upon the request of the township trustee for a township without an elected township assessor, shall:

- (1) maintain an electronic data file of the parcel characteristics and parcel assessments of all parcels in the township that is in the form required by the Indiana board of tax review; and**
- (2) transmit the data before August 1 of each year to the**



Indiana board of tax review for inclusion in the data base of the Indiana board under IC 6-1.5-6.

SECTION 13. IC 6-1.1-4-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27. (a) The auditor of each county shall establish a **separate** property reassessment fund **for each general reassessment of real property**. The county treasurer shall deposit all collections resulting from the property taxes that the county is required to levy under this section **for a general reassessment** in the county's property reassessment fund **for that general reassessment**.

(b) With respect to the general reassessment of real property which is to commence on July 1, 1999, the county council of each county shall, for property taxes due in the year in which the general reassessment is to commence and the three (3) years immediately preceding that year, levy against all the taxable property of the county an amount equal to three-fourteenths (3/14) of the estimated cost of the general reassessment.

(c) With respect to a general reassessment of real property that is to commence on July 1, 2003, 2004, and each fourth year thereafter, the county council of each county shall, for property taxes due in the year that the general reassessment is to commence and the three (3) years preceding that year, levy against all the taxable property in the county an amount equal to one-fourth (1/4) of the estimated cost of the general reassessment.

(d) The state board of tax commissioners shall give to each county council notice, before January 1, of the tax levies required by this section.

(e) The state board of tax commissioners may raise or lower the property taxes levied under this section for a year if they determine it is appropriate because the estimated cost of the general reassessment has changed.

SECTION 14. IC 6-1.1-4-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28. (a) Money assigned to a property reassessment fund under section 27 of this chapter may be used only to pay the costs of:

- (1) the general reassessment of real property, including the computerization of assessment records;
- (2) payments to county assessors, members of property tax assessment boards of appeals, or assessing officials under IC 6-1.1-35.2;
- (3) the development or updating of detailed soil survey data by the United States Department of Agriculture or its successor



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agency;

(4) the updating of plat books; and

(5) payments for the salary of permanent staff or for the contractual services of temporary staff who are necessary to assist county assessors, members of a county property tax assessment board of appeals, and assessing officials.

(b) All counties shall use modern, detailed soil maps in the general reassessment of agricultural land.

(c) The county treasurer of each county shall, in accordance with IC 5-13-9, invest any money accumulated in the property reassessment fund until the money is needed to pay general reassessment expenses. Any interest received from investment of the money shall be paid into the property reassessment fund.

(d) An appropriation under this section must be approved by the fiscal body of the county after the review and recommendation of the county assessor. However, in a county with an elected township assessor under IC 36-6-5-1 in every township, **the county assessor does not review an appropriation under this section, and** only the fiscal body must approve an appropriation under this section.

SECTION 15. IC 6-1.1-5.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) A person filing a sales disclosure form under this chapter shall pay a fee of five dollars (\$5) to the county auditor. ~~Eighty percent (80%) of~~ The revenue shall be deposited in the ~~county general sales disclosure fund~~ **Twenty percent (20%) of the revenue shall be transferred to the state treasurer for deposit in the state general fund: established under subsection (b).**

(b) **The county fiscal body of each county shall establish a sales disclosure fund. The county auditor shall deposit in the fund:**

(1) money received under this section; and

(2) the amount of revenue deposited under this section in the county general fund after June 1, 2000, and before July 1, 2001.

(c) Money in the sales disclosure fund may be expended only for:

(1) administration of this chapter;

(2) training of assessing officials; or

(3) purchasing computer software or hardware for a property record system.

(d) The county fiscal body shall appropriate the money in the sales disclosure fund for the purposes stated in subsection (c) based on requests by assessing officials in the county.

SECTION 16. IC 6-1.1-8-30 IS AMENDED TO READ AS



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FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 30. (a) If a public utility company files its objections to the state board of tax commissioners' tentative assessment of the company's distributable property in the manner prescribed in section 28 of this chapter, the company may appeal the board's final assessment of that property to the **tax court Indiana board of tax review**. However, the company must initiate the appeal within twenty (20) days after the date of the notice of the board's final assessment.

(b) **If a public utility company desires to initiate an appeal of the Indiana board of tax review's final determination, the public utility company must do all of the following not more than twenty (20) days after the Indiana board gives the public utility company notice of the final determination:**

(1) **File a written notice with the Indiana board informing the board of the public utility company's intention to appeal.**

(2) **File a complaint in the tax court.**

(3) **Serve a copy of the complaint with the attorney general.**

(4) **Mail to the county auditor of each county in which the public utility company's distributable property is located:**

(A) **a notice that the complaint was filed; and**

(B) **instructions for obtaining a copy of the complaint.**

SECTION 17. IC 6-1.1-8-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 31. When a public utility company initiates an appeal **to the tax court** under section 30 of this chapter, the tax court shall:

(1) try the case without a jury;

(2) give preference to the case to insure a prompt trial;

(3) review the **state Indiana board of tax commissioners' review's** final assessment of the company's distributable property;

(4) presume the findings of the **state Indiana board of tax commissioners review** are correct; and

(5) order the **state Indiana board of tax commissioners review** to file certified copies of the board's records related to the assessment if the company asks the court to issue such an order.

SECTION 18. IC 6-1.1-8-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 32. When a public utility company initiates an appeal **to the tax court** under section 30 of this chapter, the tax court may set aside the **state Indiana board of tax commissioners' review's** final assessment and refer the matter to the **Indiana board** with instructions to make another assessment if:

(1) the company shows that the **Indiana board's** final assessment, or the **Indiana board's** apportionment and distribution of the final

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assessment, is clearly incorrect because the **Indiana** board violated the law or committed fraud; or

(2) the company shows that the **Indiana** board's final assessment is not supported by substantial evidence.

SECTION 19. IC 6-1.1-10-16, AS AMENDED BY P.L.126-2000, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 16. (a) All or part of a building is exempt from property taxation if it is owned, occupied, and used by a person for educational, literary, scientific, religious, or charitable purposes.

(b) A building is exempt from property taxation if it is owned, occupied, and used by a town, city, township, or county for educational, literary, scientific, fraternal, or charitable purposes.

(c) A tract of land, including the campus and athletic grounds of an educational institution, is exempt from property taxation if:

(1) a building which is exempt under subsection (a) or (b) is situated on it; and

(2) the tract does not exceed:

(A) **one hundred** fifty ~~(50)~~ **(150)** acres in the case of:

(i) an educational institution; or

(ii) a tract that was exempt under this subsection on March 1, 1987; or

(B) two hundred (200) acres in the case of a local association formed for the purpose of promoting 4-H programs; or

(C) fifteen (15) acres in all other cases.

(d) A tract of land is exempt from property taxation if:

(1) it is purchased for the purpose of erecting a building which is to be owned, occupied, and used in such a manner that the building will be exempt under subsection (a) or (b);

(2) the tract does not exceed:

(A) **one hundred** fifty ~~(50)~~ **(150)** acres in the case of:

(i) an educational institution; or

(ii) a tract that was exempt under this subsection on March 1, 1987;

(B) two hundred (200) acres in the case of a local association formed for the purpose of promoting 4-H programs; or

(C) fifteen (15) acres in all other cases; and

(3) not more than three (3) years after the property is purchased, and for each year after the three (3) year period, the owner demonstrates substantial progress towards the erection of the intended building and use of the tract for the exempt purpose. To establish that substantial progress is being made, the owner must prove the existence of factors such as the following:



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- 1 (A) Organization of and activity by a building committee or
 2 other oversight group.
- 3 (B) Completion and filing of building plans with the
 4 appropriate local government authority.
- 5 (C) Cash reserves dedicated to the project of a sufficient
 6 amount to lead a reasonable individual to believe the actual
 7 construction can and will begin within three (3) years.
- 8 (D) The breaking of ground and the beginning of actual
 9 construction.
- 10 (E) Any other factor that would lead a reasonable individual to
 11 believe that construction of the building is an active plan and
 12 that the building is capable of being completed within six (6)
 13 years considering the circumstances of the owner.
- 14 (e) Personal property is exempt from property taxation if it is owned
 15 and used in such a manner that it would be exempt under subsection (a)
 16 or (b) if it were a building.
- 17 (f) A hospital's property which is exempt from property taxation
 18 under subsection (a), (b), or (e) shall remain exempt from property
 19 taxation even if the property is used in part to furnish goods or services
 20 to another hospital whose property qualifies for exemption under this
 21 section.
- 22 (g) Property owned by a shared hospital services organization which
 23 is exempt from federal income taxation under Section 501(c)(3) or
 24 501(e) of the Internal Revenue Code is exempt from property taxation
 25 if it is owned, occupied, and used exclusively to furnish goods or
 26 services to a hospital whose property is exempt from property taxation
 27 under subsection (a), (b), or (e).
- 28 (h) This section does not exempt from property tax an office or a
 29 practice of a physician or group of physicians that is owned by a
 30 hospital licensed under IC 16-21-1 or other property that is not
 31 substantially related to or supportive of the inpatient facility of the
 32 hospital unless the office, practice, or other property:
- 33 (1) provides or supports the provision of charity care (as defined
 34 in IC 16-18-2-52.5), including providing funds or other financial
 35 support for health care services for individuals who are indigent
 36 (as defined in IC 16-18-2-52.5(b) and IC 16-18-2-52.5(c)); or
- 37 (2) provides or supports the provision of community benefits (as
 38 defined in IC 16-21-9-1), including research, education, or
 39 government sponsored indigent health care (as defined in
 40 IC 16-21-9-2).
- 41 However, participation in the Medicaid or Medicare program alone
 42 does not entitle an office, practice, or other property described in this

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subsection to an exemption under this section.

(i) A tract of land or a tract of land plus all or part of a structure on the land is exempt from property taxation if:

(1) the tract is acquired for the purpose of erecting, renovating, or improving a single family residential structure that is to be given away or sold:

(A) in a charitable manner;

(B) by a nonprofit organization; and

(C) to low income individuals who will:

(i) use the land as a family residence; and

(ii) not have an exemption for the land under this section;

(2) the tract does not exceed three (3) acres;

(3) the tract of land or the tract of land plus all or part of a structure on the land is not used for profit while exempt under this section; and

(4) not more than three (3) years after the property is acquired for the purpose described in subdivision (1), and for each year after the three (3) year period, the owner demonstrates substantial progress towards the erection, renovation, or improvement of the intended structure. To establish that substantial progress is being made, the owner must prove the existence of factors such as the following:

(A) Organization of and activity by a building committee or other oversight group.

(B) Completion and filing of building plans with the appropriate local government authority.

(C) Cash reserves dedicated to the project of a sufficient amount to lead a reasonable individual to believe the actual construction can and will begin within six (6) years of the initial exemption received under this subsection.

(D) The breaking of ground and the beginning of actual construction.

(E) Any other factor that would lead a reasonable individual to believe that construction of the structure is an active plan and that the structure is capable of being:

(i) completed; and

(ii) transferred to a low income individual who does not receive an exemption under this section; within six (6) years considering the circumstances of the owner.

(j) An exemption under subsection (i) terminates when the property is conveyed by the nonprofit organization to another owner. When the

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property is conveyed to another owner, the nonprofit organization receiving the exemption must file a certified statement with the auditor of the county, notifying the auditor of the change not later than sixty (60) days after the date of the conveyance. A nonprofit organization that fails to file the statement required by this subsection is liable for the amount of property taxes due on the property conveyed if it were not for the exemption allowed under this chapter.

(k) If property is granted an exemption in any year under subsection (i) and the owner:

(1) ceases to be eligible for the exemption under subsection (i)(4);

(2) fails to transfer the tangible property within six (6) years after the assessment date for which the exemption is initially granted;

or

(3) transfers the tangible property to a person who:

(A) is not a low income individual; or

(B) does not use the transferred property as a residence for at least one (1) year after the property is transferred;

the person receiving the exemption shall notify the county recorder and the county auditor of the county in which the property is located not later than sixty (60) days after the event described in subdivision (1), (2), or (3) occurs.

(l) If subsection (k)(1), (k)(2), or (k)(3) applies, the owner shall pay, not later than the date that the next installment of property taxes is due, an amount equal to the sum of the following:

(1) The total property taxes that, if it were not for the exemption under subsection (i), would have been levied on the property in each year in which an exemption was allowed.

(2) Interest on the property taxes at the rate of ten percent (10%) per year.

(m) The liability imposed by subsection (l) is a lien upon the property receiving the exemption under subsection (i). An amount collected under subsection (l) shall be collected as an excess levy. If the amount is not paid, it shall be collected in the same manner that delinquent taxes on real property are collected.

SECTION 20. IC 6-1.1-10-18.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001 (RETROACTIVE)]:
Sec. 18.5. (a) This section does not exempt from property tax an office or a practice of a physician or group of physicians that is owned by a hospital licensed under IC 16-21-1 or other property that is not substantially related to or supportive of the inpatient facility of the hospital unless the office, practice, or other property:

(1) provides or supports the provision of charity care (as defined



in IC 16-18-2-52.5), including funds or other financial support for health care services for individuals who are indigent (as defined in IC 16-18-2-52.5(b) and IC 16-18-2-52.5(c)); or

(2) provides or supports the provision of community benefits (as defined in IC 16-21-9-1), including research, education, or government sponsored indigent health care (as defined in IC 16-21-9-2).

However, participation in the Medicaid or Medicare program, alone, does not entitle an office, a practice, or other property described in this subsection to an exemption under this section.

(b) Tangible property is exempt from property taxation if it is:

(1) owned by an Indiana nonprofit corporation; and

(2) used by that corporation in the operation of **a hospital licensed under IC 16-21**, a health facility licensed under IC 16-28, or in the operation of a residential facility for the aged and licensed under IC 16-28, or in the operation of a Christian Science home or sanatorium.

SECTION 21. IC 6-1.1-11-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. (a) The county property tax assessment board of appeals, after careful examination, shall approve or disapprove each exemption application and shall note its action on the application.

(b) If the county property tax assessment board of appeals approves the exemption, in whole or part, the county auditor shall note the board's action on the tax duplicate. The county auditor's notation is notice to the county treasurer that the exempt property shall not be taxed for the current year unless otherwise ordered by the state board of tax commissioners.

(c) If the exemption application is disapproved by the county property tax assessment board of appeals, the county auditor shall notify the applicant by mail. Within thirty (30) days after the notice is mailed, the owner may, in the manner prescribed in IC 6-1.1-15-3, petition the ~~state Indiana~~ board of tax ~~commissioners review~~ to review the county property tax assessment board of appeals' determination.

SECTION 22. IC 6-1.1-12-35 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 35. (a) Except as provided in section 36 of this chapter, a person who desires to claim the deduction provided by section 31, 33, or 34 of this chapter must file a certified statement in duplicate, on forms prescribed by the state board of tax commissioners, and proof of certification under subsection (b) with the auditor of the county in which the property for which the deduction is claimed is subject to assessment. Except as provided in

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subsubsection (e), with respect to property that is not assessed under IC 6-1.1-7, the person must file the statement between March 1 and May 10, inclusive, of the assessment year. The person must file the statement in each year for which he desires to obtain the deduction. With respect to a property which is assessed under IC 6-1.1-7, the person must file the statement between January 15 and March 31, inclusive, of each year for which he desires to obtain the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. On verification of the statement by the assessor of the township in which the property for which the deduction is claimed is subject to assessment, the county auditor shall allow the deduction.

(b) The department of environmental management, upon application by a property owner, shall determine whether a system or device qualifies for a deduction provided by section 31, 33, or 34 of this chapter. If the department determines that a system or device qualifies for a deduction, it shall certify the system or device and provide proof of the certification to the property owner. The department shall prescribe the form and manner of the certification process required by this subsection.

(c) If the department of environmental management receives an application for certification before April 10 of the assessment year, the department shall determine whether the system or device qualifies for a deduction before May 10 of the assessment year. If the department fails to make a determination under this subsection before May 10 of the assessment year, the system or device is considered certified.

(d) A denial of a deduction claimed under section 31, 33, or 34 of this chapter may be appealed as provided in IC 6-1.1-15. The appeal is limited to a review of a determination made by the township assessor, county property tax assessment board of appeals, or ~~state~~ **Indiana** board of tax ~~commissioners~~ **review**.

(e) A person who timely files a personal property return under IC 6-1.1-3-7(a) for an assessment year and who desires to claim the deduction provided in section 31 of this chapter for property that is not assessed under IC 6-1.1-7 must file the statement described in subsection (a) between March 1 and May 15, inclusive, of that year. A person who obtains a filing extension under IC 6-1.1-3-7(b) for an assessment year must file the application between March 1 and June 14, inclusive, of that year.

SECTION 23. IC 6-1.1-12.1-3, AS AMENDED BY P.L.126-2000, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) An applicant must provide a statement of

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benefits to the designating body. If the designating body requires information from the applicant for economic revitalization area status for use in making its decision about whether to designate an economic revitalization area, the applicant shall provide the completed statement of benefits form to the designating body before the hearing required by section 2.5(c) of this chapter. Otherwise, the statement of benefits form must be submitted to the designating body before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction under this chapter. The state board of tax commissioners shall prescribe a form for the statement of benefits. The statement of benefits must include the following information:

- (1) A description of the proposed redevelopment or rehabilitation.
- (2) An estimate of the number of individuals who will be employed or whose employment will be retained by the person as a result of the redevelopment or rehabilitation and an estimate of the annual salaries of these individuals.
- (3) An estimate of the value of the redevelopment or rehabilitation.

With the approval of the ~~state board of tax commissioners~~, **designating body**, the statement of benefits may be incorporated in a designation application. Notwithstanding any other law, a statement of benefits is a public record that may be inspected and copied under IC 5-14-3-3.

(b) The designating body must review the statement of benefits required under subsection (a). The designating body shall determine whether an area should be designated an economic revitalization area or whether a deduction should be allowed, based on (and after it has made) the following findings:

- (1) Whether the estimate of the value of the redevelopment or rehabilitation is reasonable for projects of that nature.
- (2) Whether the estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment or rehabilitation.
- (3) Whether the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment or rehabilitation.
- (4) Whether any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation.
- (5) Whether the totality of benefits is sufficient to justify the deduction.



1 A designating body may not designate an area an economic
2 revitalization area or approve a deduction unless the findings required
3 by this subsection are made in the affirmative.

4 (c) Except as provided in subsections (a) through (b), the owner of
5 property which is located in an economic revitalization area is entitled
6 to a deduction from the assessed value of the property. If the area is a
7 residentially distressed area, the period is not more than five (5) years.
8 For all other economic revitalization areas designated before July 1,
9 2000, the period is three (3), six (6), or ten (10) years. For all economic
10 revitalization areas designated after June 30, 2000, the period is the
11 number of years determined under subsection (d). The owner is entitled
12 to a deduction if:

13 (1) the property has been rehabilitated; or

14 (2) the property is located on real estate which has been
15 redeveloped.

16 The owner is entitled to the deduction for the first year, and any
17 successive year or years, in which an increase in assessed value
18 resulting from the rehabilitation or redevelopment occurs and for the
19 following years determined under subsection (d). However, property
20 owners who had an area designated an urban development area
21 pursuant to an application filed prior to January 1, 1979, are only
22 entitled to a deduction for a five (5) year period. In addition, property
23 owners who are entitled to a deduction under this chapter pursuant to
24 an application filed after December 31, 1978, and before January 1,
25 1986, are entitled to a deduction for a ten (10) year period.

26 (d) For an area designated as an economic revitalization area after
27 June 30, 2000, that is not a residentially distressed area, the designating
28 body shall determine the number of years for which the property owner
29 is entitled to a deduction. However, the deduction may not be allowed
30 for more than ten (10) years. This determination shall be made:

31 (1) as part of the resolution adopted under section 2.5 of this
32 chapter; or

33 (2) by resolution adopted within sixty (60) days after receiving a
34 copy of a property owner's certified deduction application from
35 the county auditor. A certified copy of the resolution shall be sent
36 to the county auditor who shall make the deduction as provided
37 in section 5 of this chapter.

38 A determination about the number of years the deduction is allowed
39 that is made under subdivision (1) is final and may not be changed by
40 following the procedure under subdivision (2).

41 (e) Except for deductions related to redevelopment or rehabilitation
42 of real property in a county containing a consolidated city or a

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deduction related to redevelopment or rehabilitation of real property initiated before December 31, 1987, in areas designated as economic revitalization areas before that date, a deduction for the redevelopment or rehabilitation of real property may not be approved for the following facilities:

- (1) Private or commercial golf course.
- (2) Country club.
- (3) Massage parlor.
- (4) Tennis club.
- (5) Skating facility (including roller skating, skateboarding, or ice skating).
- (6) Racquet sport facility (including any handball or racquetball court).
- (7) Hot tub facility.
- (8) Suntan facility.
- (9) Racetrack.
- (10) Any facility the primary purpose of which is:
 - (A) retail food and beverage service;
 - (B) automobile sales or service; or
 - (C) other retail;
 unless the facility is located in an economic development target area established under section 7 of this chapter.
- (11) Residential, unless:
 - (A) the facility is a multifamily facility that contains at least twenty percent (20%) of the units available for use by low and moderate income individuals;
 - (B) the facility is located in an economic development target area established under section 7 of this chapter; or
 - (C) the area is designated as a residentially distressed area.
- (12) A package liquor store that holds a liquor dealer's permit under IC 7.1-3-10 or any other entity that is required to operate under a license issued under IC 7.1. However, this subdivision does not apply to an applicant that:
 - (A) was eligible for tax abatement under this chapter before July 1, 1995; or
 - (B) is described in IC 7.1-5-7-11.

(f) This subsection applies only to a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000). Notwithstanding subsection (e)(11), in a county subject to this subsection a designating body may, before September 1, 2000, approve a deduction under this chapter for the redevelopment or rehabilitation of real property consisting of residential facilities that are



located in unincorporated areas of the county if the designating body makes a finding that the facilities are needed to serve any combination of the following:

- (1) Elderly persons who are predominately low-income or moderate-income persons.
- (2) Disabled persons.

A designating body may adopt an ordinance approving a deduction under this subsection only one (1) time. This subsection expires January 1, 2011.

SECTION 24. IC 6-1.1-12.1-5.5, AS AMENDED BY P.L.4-2000, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5.5. (a) A person that desires to obtain the deduction provided by section 4.5 of this chapter must file a certified deduction application on forms prescribed by the state board of tax commissioners with:

- (1) the auditor of the county in which the new manufacturing equipment or new research and development equipment, or both, is located; and
- (2) the state board of tax commissioners.

A person that timely files a personal property return under IC 6-1.1-3-7(a) for the year in which the new manufacturing equipment or new research and development equipment, or both, is installed must file the application between March 1 and May 15 of that year. A person that obtains a filing extension under IC 6-1.1-3-7(b) for the year in which the new manufacturing equipment or new research and development equipment, or both, is installed must file the application between March 1 and June 14 of that year.

(b) The deduction application required by this section must contain the following information:

- (1) The name of the owner of the new manufacturing equipment or new research and development equipment, or both.
- (2) A description of the new manufacturing equipment or new research and development equipment, or both.
- (3) Proof of the date the new manufacturing equipment or new research and development equipment, or both, was installed.
- (4) The amount of the deduction claimed for the first year of the deduction.

(c) This subsection applies to a deduction application with respect to new manufacturing equipment or new research and development equipment, or both, for which a statement of benefits was initially approved after April 30, 1991. If a determination about the number of years the deduction is allowed has not been made in the resolution

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adopted under section 2.5 of this chapter, the county auditor shall send a copy of the deduction application to the designating body and the designating body shall adopt a resolution under section 4.5(h)(2) of this chapter.

(d) A deduction application must be filed under this section in the year in which the new manufacturing equipment or new research and development equipment, or both, is installed and in each of the immediately succeeding years the deduction is allowed.

(e) The state board of tax commissioners shall review and verify the correctness of each deduction application and shall notify the county auditor of the county in which the property is located that the deduction application is approved or denied or that the amount of the deduction is altered. Upon notification of approval of the deduction application or of alteration of the amount of the deduction, the county auditor shall make the deduction. The county auditor shall notify the county property tax assessment board of appeals of all deductions approved under this section.

(f) If the ownership of new manufacturing equipment or new research and development equipment, or both, changes, the deduction provided under section 4.5 of this chapter continues to apply to that equipment if the new owner:

- (1) continues to use the equipment in compliance with any standards established under section 2(g) of this chapter; and
- (2) files the deduction applications required by this section.

(g) The amount of the deduction is the percentage under section 4.5 of this chapter that would have applied if the ownership of the property had not changed multiplied by the assessed value of the equipment for the year the deduction is claimed by the new owner.

(h) If a person desires to initiate an appeal of the state board of tax commissioners' final determination, the person must ~~do all of the following~~ **file a petition with the Indiana board of tax review** not more than forty-five (45) days after the state board of tax commissioners gives the person notice of the final determination.

- ~~(1) File a written notice with the state board of tax commissioners informing the board of the person's intention to appeal.~~
- ~~(2) File a complaint in the tax court.~~
- ~~(3) Serve the attorney general and the county auditor with a copy of the complaint.~~

(i) If a person desires to initiate an appeal of the Indiana board of tax review's final determination, the person must do all of the following not more than forty-five (45) days after the Indiana board gives the person notice of the final determination:



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(1) File a written notice with the Indiana board informing the board of the person's intention to appeal.

(2) File a complaint in the tax court.

(3) Serve the attorney general and the county auditor with a copy of the complaint.

SECTION 25. IC 6-1.1-15-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A taxpayer may obtain a review by the county property tax assessment board of appeals of a county or township official's action with respect to the assessment of the taxpayer's tangible property if the official's action requires the giving of notice to the taxpayer. At the time that notice is given to the taxpayer, he shall also be informed in writing of:

(1) his opportunity for review under this section; and

(2) the procedures he must follow in order to obtain review under this section.

(b) In order to appeal a current assessment and have a change in the assessment effective for the most recent assessment date, the taxpayer must file a petition with the assessor of the county in which the action is taken:

(1) within forty-five (45) days after notice of a change in the assessment is given to the taxpayer; or

(2) May 10 of that year;

whichever is later. The county assessor shall notify the county auditor that the assessment is under appeal.

(c) A change in an assessment made as a result of an appeal filed:

(1) in the same year that notice of a change in the assessment is given to the taxpayer; and

(2) after the time prescribed in subsection (b);

becomes effective for the next assessment date.

(d) A taxpayer may appeal a current real estate assessment in a year even if the taxpayer has not received a notice of assessment in the year. If an appeal is filed on or before May 10 of a year in which the taxpayer has not received notice of assessment, a change in the assessment resulting from the appeal is effective for the most recent assessment date. If the appeal is filed after May 10, the change becomes effective for the next assessment date.

(e) The state board of tax commissioners shall prescribe the form of the petition for review of an assessment determination by a township assessor. The board shall issue instructions for completion of the form. The form and the instructions must be clear, simple, and understandable to the average individual. An appeal of such a determination must be made on the form prescribed by the board. The

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form must require the petitioner to specify the following:

(1) The physical characteristics of the property in issue that bear on the assessment determination.

(2) All other facts relevant to the assessment determination.

(3) The ~~reasons why the petitioner believes~~ **specific substantive grounds for the petitioner's belief** that the assessment determination by the township assessor is erroneous.

(f) The state board of tax commissioners shall prescribe a form for a response by the township assessor to the petition for review of an assessment determination. The board shall issue instructions for completion of the form. The form must require the township assessor to indicate:

(1) agreement or disagreement with each item indicated on the petition under subsection (e); and

(2) the reasons why the assessor believes that the assessment determination is correct.

(g) Immediately upon receipt of a timely filed petition on the form prescribed under subsection (e), the county assessor shall forward a copy of the petition to the township assessor who made the challenged assessment. The township assessor shall, within thirty (30) days after the receipt of the petition, attempt to hold a preliminary conference with the petitioner and resolve as many issues as possible. Within ten (10) days after the conference, the township assessor shall forward to the county auditor and county assessor a completed response to the petition on the form prescribed under subsection (f). The county assessor shall immediately forward a copy of the response form to the petitioner and the county property tax assessment board of appeals. ~~If the county auditor determines that the appealed items on which there is disagreement constitute at least one percent (1%) of the total gross certified assessed value of the immediately preceding year for any particular unit, the county auditor shall immediately notify the fiscal officer of the unit.~~ If after the conference there are items listed in the petition on which there is disagreement, the property tax assessment board of appeals shall hold a hearing within ninety (90) days of the filing of the petition on those items of disagreement, **except as provided in subsection (h).** The taxpayer may present the taxpayer's reasons for disagreement with the assessment. The township assessor or county assessor for the county must present the basis for the assessment decision on these items to the board of appeals at the hearing and the reasons the petitioner's appeal should be denied on those items. The board of appeals shall have a written record of the hearing and prepare a written statement of findings and a decision on

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each item within sixty (60) days of the hearing **except as provided in subsection (h)**. If the township assessor does not attempt to hold a preliminary conference, the board shall accept the appeal of the petitioner at the hearing.

(h) This subsection applies to a county having a population of more than three hundred thousand (300,000). In the case of a petition filed after December 31, 2000, the county property tax assessment board of appeals shall:

(1) hold its hearing within one hundred eighty (180) days instead of ninety (90) days; and

(2) have a written record of the hearing and prepare a written statement of findings and a decision on each item within one hundred twenty (120) days after the hearing.

(i) The county property tax assessment board of appeals:

(1) may not require a taxpayer that files a petition for review under this section to file documentary evidence or summaries of statements of testimonial evidence before the hearing required under subsection (g); and

(2) may require the parties to the appeal to file not more than ten (10) days before the date of the hearing required under subsection (g) lists of witnesses and exhibits to be introduced at the hearing.

SECTION 26. IC 6-1.1-15-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) A taxpayer may obtain a review by the **state Indiana** board of tax ~~commissioners~~ **review** of a county property tax assessment board of appeals action with respect to the assessment of that taxpayer's tangible property if the county property tax assessment board of appeals' action requires the giving of notice to the taxpayer. At the time that notice is given to the taxpayer, he shall also be informed in writing of:

(1) his opportunity for review under this section; and

(2) the procedures he must follow in order to obtain review under this section.

(b) A township assessor or a member of a county property tax assessment board of appeals may obtain a review by the **state Indiana board of tax ~~commissioners~~ **review** of any assessment which he has made, upon which he has passed, or which has been made over his protest.**

(c) In order to obtain a review by the **state Indiana board of tax ~~commissioners~~ **review** under this section, the party must file a petition for review with the appropriate county assessor within thirty (30) days after the notice of the county property tax assessment board of appeals**

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1 action is given to the taxpayer.

2 (d) The ~~state Indiana~~ board of tax ~~commissioners review~~ shall
3 prescribe the form of the petition for review of an assessment
4 determination by the county property tax assessment board of appeals.
5 The ~~state Indiana~~ board shall issue instructions for completion of the
6 form. The form and the instructions must be clear, simple, and
7 understandable to the average individual. An appeal of such a
8 determination must be made on the form prescribed by the ~~state~~
9 **Indiana** board. The form must require the petitioner to specify the
10 following:

11 (1) The items listed in section 1(e)(1) and 1(e)(2) of this chapter.

12 (2) The reasons why the petitioner believes that the assessment
13 determination by the county property tax assessment board of
14 appeals is erroneous.

15 (e) The county assessor shall transmit the petition for review to the
16 ~~division of appeals of the state Indiana~~ board of tax ~~commissioners~~
17 **review** within ten (10) days after it is filed.

18 (f) If a township assessor or a member of the county property tax
19 assessment board of appeals files a petition for review under this
20 section concerning the assessment of a taxpayer's property, the county
21 assessor must send a copy of the petition to the taxpayer.

22 SECTION 27. IC 6-1.1-15-4 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) After receiving
24 a petition for review which is filed under section 3 of this chapter, the
25 ~~division of appeals of the state Indiana~~ board of tax **review**
26 ~~commissioners~~ shall conduct a hearing at its earliest opportunity. In
27 addition, the ~~division of appeals of the state Indiana~~ board may **assess**
28 ~~the property in question, correcting correct~~ any errors ~~which that~~ may
29 have been made **and adjust the assessment in accordance with the**
30 **correction. If the Indiana board conducts a site inspection of the**
31 **property as part of its review of the petition, the Indiana board**
32 **shall give notice to all parties of the date and time of the site**
33 **inspection. The Indiana board may limit the scope of the appeal to**
34 **the issues raised in the petition.** The ~~division of appeals of the state~~
35 **Indiana** board shall give notice of the date fixed for the hearing, by
36 mail, to the taxpayer and to the appropriate township assessor, county
37 assessor, and county auditor. The ~~division of appeals of the state~~
38 **Indiana** board shall give these notices at least ~~ten (10)~~ **thirty (30)** days
39 before the day fixed for the hearing. **The property tax assessment**
40 **board of appeals that made the determination under appeal under**
41 **this section may, with the approval of the county executive, file an**
42 **amicus curiae brief in the review proceeding under this section.**



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The expenses incurred by the property tax assessment board of appeals in filing the amicus curiae brief shall be paid from the reassessment fund under IC 6-1.1-4-27. In addition, the executive of a taxing unit may file an amicus curiae brief in the review proceeding under this section if the property whose assessment is under appeal is subject to assessment by that taxing unit. A township assessor or county assessor who made the original assessment determination under appeal under this section, or a county auditor who made the original enterprise zone inventory credit determination under appeal under IC 6-1.1-20.8 is a party to the review under this section to defend the determination.

(b) If a petition for review does not comply with the ~~state Indiana~~ board of tax ~~commissioners'~~ **review's** instructions for completing the form prescribed under section 3 of this chapter, the ~~division of appeals of the state Indiana~~ board of tax ~~commissioners~~ shall return the petition to the petitioner and include a notice describing the defect in the petition. The petitioner then has thirty (30) days from the date on the notice to cure the defect and file a corrected petition. The ~~division of appeals of the state Indiana~~ board of tax ~~commissioners~~ shall deny a corrected petition for review if it does not substantially comply with the ~~state board of tax commissioners'~~ **Indiana board's** instructions for completing the form prescribed under section 3 of this chapter.

(c) The ~~state Indiana~~ board of tax ~~commissioners~~ shall prescribe a form for use in processing petitions for review of actions by the county property tax assessment board of appeals. The ~~state Indiana~~ board shall issue instructions for completion of the form. The form must require the ~~division of appeals of the state Indiana~~ board, to indicate agreement or disagreement with each item that is:

- (1) indicated on the petition submitted under section 1(e) of this chapter;
- (2) included in the township assessor's response under section 1(g) of this chapter; and
- (3) included in the county property tax assessment board of appeals' findings, record, and determination under section 2.1(d) of this chapter.

The form must also require the ~~division of appeals of the state Indiana~~ board to indicate the issues in dispute and its reasons in support of its resolution of those issues.

(d) After the hearing the ~~division of appeals of the state Indiana~~ board of tax ~~review~~ shall give the petitioner, the township assessor, the county assessor, and the county auditor:

- (1) notice, by mail, of its final determination;



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- (2) a copy of the form completed under subsection (c); and
 (3) notice of the procedures they must follow in order to obtain court review under section 5 of this chapter.

(e) The ~~division of appeals of the state~~ **Indiana** board of tax commissioners review shall conduct a hearing within six (6) months after a petition in proper form is filed with the ~~division~~; **Indiana board**, excluding any time due to a delay reasonably caused by the petitioner. The ~~division of appeals~~ **Indiana board** shall make a **final** determination within the later of forty-five (45) days after the hearing or the date set in an extension order issued by ~~the chairman of the state~~ **a member of the Indiana** board. ~~of tax commissioners~~. However, the ~~state Indiana~~ board of tax commissioners may not extend the final determination date by more than one hundred eighty (180) days. ~~Except as provided in subsection (g):~~ (1) The failure of the ~~division of appeals~~ **Indiana board** to make a **final** determination within the time allowed by this subsection shall be treated as a final determination of the ~~state~~ **Indiana** board of tax commissioners to deny the petition. and (2) a final decision of the division of appeals is a final determination of the state board of tax commissioners.

(g) ~~A final determination of the division of appeals is not a final determination of the state board of tax commissioners if the state board of tax commissioners:~~

- (1) gives notice to the parties that the state board of tax commissioners will review the determination of the division of appeals within fifteen (15) days after the division of appeals gives notice of the determination to the parties or the maximum allowable time for the issuance of a determination under subsection (f) expires; or
 (2) determines to rehear the determination under section 5 of this chapter.

The state board of tax commissioners shall conduct a review under subdivision (1) in the same manner as a rehearing under section 5 of this chapter.

(f) A final determination must include separately stated findings of fact for all aspects of the final determination. Findings of ultimate fact must be accompanied by a concise statement of the underlying basic facts of record to support the findings. Findings must be based exclusively upon the evidence on the record in the proceeding and on matters officially noticed in the proceeding. Findings must be based upon a preponderance of the evidence.

(g) A person participating in the hearing required under subsection (a) is entitled to introduce evidence that is otherwise



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proper and admissible without regard to whether that evidence has previously been introduced at a hearing before the county property tax assessment board of appeals. The Indiana board of tax review and the division of appeals:

(1) may not require a taxpayer that files a petition for review under section 3 of this chapter to file documentary evidence or summaries of statements of testimonial evidence before the hearing required under subsection (a); and

(2) may require the parties to the appeal to file not more than fifteen (15) business days before the date of the hearing required under subsection (a) lists of witnesses and exhibits to be introduced at the hearing.

SECTION 28. IC 6-1.1-15-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) Within fifteen (15) days after the ~~division of appeals of the state~~ **Indiana board of tax commissioners** gives notice of its final determination under section 4 of this chapter to the party or the maximum allowable time for the issuance of a **final** determination by the ~~division of appeals~~ **Indiana board** under section 4 of this chapter expires, a party to the proceeding may request a rehearing before the **Indiana board**. The **Indiana board** may conduct a rehearing and affirm or modify its final determination, giving the same notices after the rehearing as are required by section 4 of this chapter. The ~~state Indiana board of tax commissioners~~ **Indiana board** has ~~thirty (30)~~ **fifteen (15)** days after receiving a petition for a rehearing to determine whether to grant a rehearing. Failure to grant a rehearing within ~~thirty (30)~~ **fifteen (15)** days after receiving the petition shall be treated as a final determination to ~~deny~~ **approve** the petition. A petition for a rehearing does not toll the time in which to file a petition for judicial review unless the petition for rehearing is granted. If the ~~state Indiana board of tax commissioners~~ **Indiana board of tax commissioners** determines to rehear a final determination, ~~of the division of appeals~~, the ~~state Indiana board of tax commissioners~~ **Indiana board of tax commissioners**:

(1) may conduct the additional hearings that the ~~state Indiana board of tax commissioners~~ **Indiana board of tax commissioners** determines necessary or review the written record ~~of the division of appeals~~ without additional hearings; and

(2) shall issue a final determination within ninety (90) days after notifying the parties that the ~~state Indiana board of tax commissioners~~ **Indiana board of tax commissioners** will rehear the **final** determination.

Failure of the ~~state Indiana board of tax commissioners~~ **Indiana board of tax commissioners** to make a **final** determination within the time allowed under subdivision (2) shall be treated as a final determination affirming the **original** decision of the



1 ~~division of appeals.~~ **Indiana board.**

2 (b) A person may appeal the final determination of the ~~division of~~
 3 ~~appeals or the state~~ **Indiana** board of tax ~~commissioners~~ **review**
 4 regarding the assessment of that person's tangible property. The appeal
 5 shall be taken to the tax court. Appeals may be consolidated at the
 6 request of the appellants if it can be done in the interest of justice. **The**
 7 **property tax assessment board of appeals that made the**
 8 **determination under appeal under this section may, with the**
 9 **approval of the county executive, file an amicus curiae brief in the**
 10 **review proceeding under this section. The expenses incurred by the**
 11 **property tax assessment board of appeals in filing the amicus**
 12 **curiae brief shall be paid from the reassessment fund under**
 13 **IC 6-1.1-4-27. In addition, the executive of a taxing unit may file an**
 14 **amicus curiae brief in the review proceeding under this section if**
 15 **the property whose assessment is under appeal is subject to**
 16 **assessment by that taxing unit. A township assessor or county**
 17 **assessor who made the original assessment determination under**
 18 **appeal under this section or a county auditor who made the**
 19 **original enterprise zone inventory credit determination under**
 20 **appeal under IC 6-1.1-20.8 is a party to the review under this**
 21 **section to defend the determination.**

22 (c) If a person desires to initiate an appeal of the ~~state~~ **Indiana**
 23 board of tax ~~commissioners' review's~~ final determination, the person
 24 shall:

- 25 (1) file a written notice with the ~~state~~ **Indiana** board of tax
 26 ~~commissioners~~ informing the board of his intention to appeal;
 27 (2) file a complaint in the tax court; and
 28 (3) serve the attorney general and the county assessor with a copy
 29 of the complaint.

30 (d) To initiate an appeal under this section, a person must take the
 31 action required by subsection (c) within:

- 32 (1) forty-five (45) days after the ~~state~~ **Indiana** board of tax
 33 ~~commissioners~~ **review** gives the person notice of its final
 34 determination ~~under IC 6-1.1-14-11~~ unless a rehearing is
 35 conducted under subsection (a); **or**
 36 (2) thirty (30) days after the **Indiana** board gives the person
 37 notice under subsection (a) of its final determination, if a
 38 rehearing is conducted under subsection (a) or the maximum time
 39 elapses for the ~~state~~ **Indiana** board of tax ~~commissioners~~ to make
 40 a **final** determination under this section. ~~or~~
 41 (3) ~~forty-five (45) days after the division of appeals gives notice~~
 42 ~~of a final determination under section 4 of this chapter or the~~



1 division fails to make a determination within the maximum time
 2 allowed under section 4 of this chapter, if a rehearing is not
 3 granted under this section.

4 (e) The failure of the state **Indiana** board of tax commissioners
 5 review to conduct a hearing within the time period prescribed in
 6 section ~~4(b)~~ **4(e)** of this chapter does not constitute notice to the person
 7 of a **an Indiana** board **final** determination.

8 (f) In a case in which the final determination of the state board of
 9 tax commissioners would result in a claim by a taxpayer with respect
 10 to a particular year for a refund that exceeds:

11 (1) eight hundred thousand dollars (\$800,000); or

12 (2) an amount equal to ten percent (10%) of the aggregate tax
 13 levies of all taxing units in the county for that year;

14 ~~whichever is less~~; The county executive ~~may~~ **shall** take an appeal to the
 15 tax court in the manner prescribed in this section ~~but only~~ upon request
 16 by the county assessor **or elected township assessor**.

17 SECTION 29. IC 6-1.1-15-6 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. (a) If an appeal is
 19 initiated by a person under section 5 of this chapter, the secretary of the
 20 state **Indiana** board of tax commissioners review shall prepare a
 21 certified transcript record of the proceedings related to the appeal.
 22 However, the transcript shall not include the evidence compiled by the
 23 board with respect to the proceedings. The secretary of the board shall
 24 transmit the transcript to the clerk of the court designated by the
 25 appellant.

26 (b) The record for judicial review must include the following
 27 documents and items:

28 (1) Copies of all papers submitted to the Indiana board of tax
 29 review, including its division of appeals, during the course of
 30 the action, and copies of all papers provided to the parties by
 31 the Indiana board, including its division of appeals. For
 32 purposes of this subdivision, the term "papers" includes,
 33 without limitation, all notices, petitions, motions, pleadings,
 34 orders, orders on rehearing, briefs, requests, intermediate
 35 rulings, photographs, and other written documents.

36 (2) Evidence received or considered by the Indiana board,
 37 including its division of appeals.

38 (3) A statement of whether a site inspection was conducted,
 39 and, if a site inspection was conducted, either:

40 (A) a summary report of the site inspection; or

41 (B) a videotape transcript of the site inspection.

42 (4) A statement of matters officially noticed.



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(5) Proffers of proof and objections and rulings on them.

(6) Copies of proposed findings, requested orders, and exceptions.

(7) Either:

(A) a transcription of the audio tape of the hearing; or

(B) a transcript of the hearing prepared by a court reporter at the option of either party, to be paid for by that party.

Copies of exhibits that, because of their nature, cannot be incorporated into the certified record must be kept by the Indiana board of tax review until the appeal is finally terminated. However, this evidence must be briefly named and identified in the transcript of the evidence and proceedings.

(c) If the tax court judge finds that:

(1) a report of all or a part of the evidence or proceedings at a hearing conducted by the Indiana board of tax review, including its division of appeals, was not made; or

(2) a transcript is unavailable;

a party to the appeal initiated under section 5 of this chapter may, at the discretion of the tax court judge, prepare a statement of the evidence or proceedings. The statement must be submitted to the tax court and also must be served on all other parties. A party to the proceeding may serve objections or prepare amendments to the statement not later than ten (10) days after service.

SECTION 30. IC 6-1.1-15-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. (a) If a final determination by the ~~state Indiana~~ board of tax ~~commissioners~~ review regarding the assessment of any tangible property is vacated, set aside, or adjudged null and void under the finding, decision, or judgment of the Indiana tax court, the matter of the assessment of the property shall be remanded to the ~~state Indiana~~ board of tax ~~commissioners~~ for reassessment and further proceedings as specified in the decision of the tax court. Upon remand, the ~~state Indiana~~ board of tax ~~commissioners~~ may take action only on those issues specified in the decision of the tax court.

(b) The ~~state Indiana~~ board of tax ~~commissioners~~ review shall take action on a case remanded to it by the tax court not later than ninety (90) days after the date the decision of the tax court is rendered, unless an appeal is filed with the supreme court as provided in IC 33-3-5-15. The ~~state Indiana~~ board of tax ~~commissioners~~ may petition the tax court at any time for an extension of the ninety (90) day period. An extension shall be granted upon a showing of reasonable cause.



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(c) The taxpayer in a case remanded under subsection (a) may petition the tax court for an order requiring the ~~state Indiana~~ board of tax ~~commissioners review~~ to show cause why action has not been taken pursuant to the tax court's decision if:

- (1) at least ninety (90) days have elapsed since the tax court's decision was rendered;
- (2) the ~~state Indiana~~ board of tax ~~commissioners~~ has not taken action on the issues specified in the tax court's decision; and
- (3) an appeal of the tax court's decision has not been filed.

(d) If a case remanded under subsection (a) is appealed to the supreme court as provided in IC 33-3-5-15, the ninety (90) day period provided in subsection (b) is tolled until the supreme court concludes the appeal.

SECTION 31. IC 6-1.1-15-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9. (a) ~~If the assessment of tangible property is reassessed corrected by the state Indiana board of tax commissioners review under section 8 of this chapter, the owner of the property has a right to appeal the Indiana board's final determination of the reassessment. corrected assessment.~~ In a case meeting the requirements of section 5(f)(1) or 5(f)(2) of this chapter, the county executive ~~also has a right to~~ shall appeal the ~~Indiana~~ board's final determination of the reassessment ~~but only~~ upon request by the county assessor ~~or elected township assessor~~.

(b) An appeal under this section must be initiated in the manner prescribed in section 5 of this chapter.

SECTION 32. IC 6-1.1-15-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 12. (a) Subject to the limitations contained in subsections (c) and (d), a county auditor shall correct errors which are discovered in the tax duplicate for any one (1) or more of the following reasons:

- (1) The description of the real property was in error.
- (2) The assessment was against the wrong person.
- (3) Taxes on the same property were charged more than one (1) time in the same year.
- (4) There was a mathematical error in computing the taxes or penalties on the taxes.
- (5) There was an error in carrying delinquent taxes forward from one (1) tax duplicate to another.
- (6) The taxes, as a matter of law, were illegal.
- (7) There was a mathematical error in computing an assessment.
- (8) Through an error of omission by any state or county officer the taxpayer was not given credit for an exemption or deduction



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permitted by law.

(b) The county auditor shall correct an error described under subsection (a)(1), (a)(2), (a)(3), (a)(4), or (a)(5) when ~~he~~ **the county auditor** finds that the error exists.

(c) If the tax is based on an assessment made or determined by the state board of tax commissioners **or the Indiana board of tax review**, the county auditor shall not correct an error described under subsection (a)(6), (a)(7), or (a)(8) until after the correction is either approved by the state board **or the Indiana board** or is ordered by the tax court.

(d) If the tax is not based on an assessment made or determined by the state board of tax commissioners **or the Indiana board of tax review**, the county auditor shall correct an error described under subsection (a)(6), (a)(7), or (a)(8) only if the correction is first approved by at least two (2) of the following officials:

- (1) The township assessor.
- (2) The county auditor.
- (3) The county assessor.

If two (2) of these officials do not approve such a correction, the county auditor shall refer the matter to the county property tax assessment board of appeals for determination. The county property tax assessment board of appeals shall provide a copy of the determination to the taxpayer and to the county auditor.

(e) A taxpayer may appeal a determination of the county property tax assessment board of appeals to the ~~division of appeals of the state board of tax commissioners~~ **Indiana board of tax review** for a final administrative determination. An appeal under this section shall be conducted in the same manner as appeals under sections 4 through 8 of this chapter. The ~~state board of tax commissioners~~ **Indiana board** shall send the final administrative determination to the taxpayer, the county auditor, the county assessor, and the township assessor.

(f) If a correction or change is made in the tax duplicate after it is delivered to the county treasurer, the county auditor shall transmit a certificate of correction to the county treasurer. The county treasurer shall keep the certificate as the voucher for settlement with the county auditor.

SECTION 33. IC 6-1.1-15-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 15. A class action suit against the ~~state~~ **Indiana** board of tax ~~commissioners~~ **review** may not be maintained in any court, including the Indiana tax court, on behalf of a person who has not complied with the requirements of this chapter or IC 6-1.1-26 before the certification of the class.

SECTION 34. IC 6-1.1-16-1 IS AMENDED TO READ AS



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FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) Except as provided in section 2 of this chapter, an assessing official, county assessor, or county property tax assessment board of appeals may not change the assessed value claimed by a taxpayer on a personal property return unless the assessing official, county assessor, or county property tax assessment board of appeals takes the action and gives the notice required by IC 6-1.1-3-20 within the following time periods:

(1) A township or county assessing official must make a change in the assessed value and give the notice of the change on or before the latter of:

(i) (A) September 15 of the year for which the assessment is made; or

(ii) (B) four (4) months from the date the personal property return is filed if the return is filed after May 15th of the year for which the assessment is made.

(2) A county assessor or county property tax assessment board of appeals must make a change in the assessed value, including the final determination by the board of an assessment changed by a township or county assessing official, or county property tax assessment board of appeals, and give the notice of the change on or before the latter of:

(i) (A) October 30 of the year for which the assessment is made; or

(ii) (B) five (5) months from the date the personal property return is filed if the return is filed after May 15th of the year for which the assessment is made.

(3) The state board of tax commissioners must make a preliminary change in the assessed value ~~including a preliminary determination on review of an assessment made by a county property tax assessment board of appeals under IC 6-1.1-15-2.1;~~ and give the notice of the change on or before the latter of:

(i) (A) October 1st of the year immediately following the year for which the assessment is made; or

(ii) (B) sixteen (16) months from the date the personal property return is filed if the return is filed after May 15th of the year for which the assessment is made.

(b) Except as provided in section 2 of this chapter, if an assessing official, a county assessor, or a county property tax assessment board of appeals fails to change an assessment and give notice of the change within the time prescribed by this section, the assessed value claimed by the taxpayer on the personal property return is final.

(c) This section does not limit the authority of a county auditor to

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correct errors in a tax duplicate under IC 6-1.1-15-12.

(d) This section does not apply if the taxpayer:

- (1) fails to file a personal property return which substantially complies with the provisions of this article and the regulations of the state board of tax commissioners; or
- (2) files a fraudulent personal property return with the intent to evade the payment of property taxes.

(e) A taxpayer may appeal a preliminary determination of the state board of tax commissioners under subsection (a)(3) to the ~~division of appeals~~ **Indiana board of tax review**. An appeal under this subdivision shall be conducted in the same manner as an appeal under IC 6-1.1-15-4 through IC 6-1.1-15-8. A preliminary determination that is not appealed under this subsection is a final unappealable order of the state board of tax commissioners.

SECTION 35. IC 6-1.1-20.5-1, AS ADDED BY P.L.273-1999, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001 (RETROACTIVE)]: Sec. 1. (a) As used in this chapter, "personal property" includes personal property as defined in IC 6-1.1-1-11, ~~and personal~~ **except the following:**

- (1) Mobile houses.
- (2) Airplanes.
- (3) Boats not subject to the boat excise tax under IC 6-6-11.
- (4) Trailers not subject to the trailer tax under IC 6-6-5.

(b) As used in this chapter, "personal property" does not include property assessed under IC 6-1.1-7.

SECTION 36. IC 6-1.1-20.5-1.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001 (RETROACTIVE)]: Sec. 1.3. As used in this chapter, "lower rate taxing district" means, between two (2) taxing districts in which a person's personal property is subject to assessment within a county, the taxing district that had the lower net tax rate for taxes payable in the calendar year that immediately precedes the calendar year in which the county auditor certifies assessed value and credits under section 4(c) of this chapter.

SECTION 37. IC 6-1.1-20.5-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001 (RETROACTIVE)]: Sec. 1.5. As used in this chapter, "lowest rate taxing district" means, among three (3) or more taxing districts in which a person's personal property is subject to assessment within a county, the taxing district that had the lowest net tax rate for taxes payable in the



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calendar year that immediately precedes the calendar year in which the county auditor certifies assessed value and credits under section 4(c) of this chapter.

SECTION 38. IC 6-1.1-20.5-2.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001 (RETROACTIVE)]: **Sec. 2.3. As used in this chapter, "net tax rate" means the effective property tax rate after consideration of the property tax replacement credit under IC 6-1.1-21.**

SECTION 39. IC 6-1.1-20.5-3, AS ADDED BY P.L.273-1999, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001 (RETROACTIVE)]: **Sec. 3. (a) A person that has net property tax liability on personal property subject to assessment in one (1) taxing district in the state is entitled to a credit against a the person's net property tax liability on personal property. under IC 6-1.1-2 shall be provided under this chapter. The credit is equal to the person's net property tax liability on personal property that would be paid on personal property with an assessed value equal to the lesser of:**

- (1) the assessed value of the person's personal property; or
- (2) ~~twelve thousand five hundred dollars (\$12,500) for property taxes first due and payable before 2002 and thirty-seven thousand five hundred dollars (\$37,500). for property taxes first due and payable after 2001.~~

(b) A person that has net property tax liability on personal property subject to assessment in two (2) or more taxing districts within a county is entitled to a credit against the person's net property tax liability on personal property. The credit is equal to the person's net property tax liability on personal property that would be paid on personal property subject to assessment in the lower rate taxing district or the lowest rate taxing district with an assessed value equal to the lesser of:

- (1) the assessed value of the person's personal property; or
- (2) thirty-seven thousand five hundred dollars (\$37,500).

(c) Except as provided in subsection (e), if:

- (1) a person's credit under subsection (b) is determined in an amount of net property tax liability on personal property that would be paid on personal property with an assessed value of less than thirty-seven thousand five hundred dollars (\$37,500); and
- (2) the person has net property tax liability on personal property subject to assessment in one (1) other taxing district



1 **in the county;**
 2 **the person is entitled to an additional credit equal to the person's**
 3 **net property tax liability on personal property that would be paid**
 4 **on personal property subject to assessment in the other taxing**
 5 **district.**

6 **(d) Except as provided in subsections (e) and (f), if:**

7 **(1) a person's credit under subsection (b) is determined in an**
 8 **amount of net property tax liability on personal property that**
 9 **would be paid on personal property with an assessed value of**
 10 **less than thirty-seven thousand five hundred dollars**
 11 **(\$37,500); and**

12 **(2) the person has net property tax liability on personal**
 13 **property subject to assessment in two (2) or more other taxing**
 14 **districts in the county;**

15 **the person is entitled to additional credits equal to the person's net**
 16 **property tax liability on personal property that would be paid on**
 17 **personal property subject to assessment in the other taxing**
 18 **districts.**

19 **(e) In order to meet the restriction under subsection (f),**
 20 **additional credits under subsection (d) are applied with respect to**
 21 **personal property subject to assessment in taxing districts in the**
 22 **sequential order of districts that corresponds to the ascending**
 23 **order of the net tax rates of the districts for taxes payable in the**
 24 **calendar year that immediately precedes the calendar year in**
 25 **which the county auditor certifies assessed value and credits under**
 26 **section 4(c) of this chapter.**

27 **(f) The combined credits determined under:**

28 **(1) subsections (b) and (c); or**

29 **(2) subsections (b) and (d);**

30 **may not exceed the person's net property tax liability on personal**
 31 **property that would be paid on personal property with an assessed**
 32 **value of more than thirty-seven thousand five hundred dollars**
 33 **(\$37,500).**

34 **(g) A person that has net property tax liability on personal**
 35 **property subject to assessment in two (2) or more counties is**
 36 **entitled to credits separately determined under this section with**
 37 **respect to each county.**

38 SECTION 40. IC 6-1.1-20.5-4, AS ADDED BY P.L.273-1999,
 39 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JANUARY 1, 2001 (RETROACTIVE)]: Sec. 4. (a) The county
 41 assessor shall determine the amount of each property owner's assessed
 42 value that is attributable to personal property in the county. Before



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December 1 of each year the county assessor shall:

(1) provide the county auditor with the amount of personal property assessed value for each owner that is eligible for the credit; **and**

(2) **identify to the county auditor the taxing district of the personal property assessed value provided under subdivision (1).**

(b) The county auditor shall compute the amount of property taxes in the county that is attributable to personal property assessed value as reported by the county assessor using the same property tax liability that is used to calculate the property tax replacement credit under IC 6-1.1-21-5 but after deducting the property tax replacement credit.

(c) Before March 1 of each year, each county auditor shall certify to the state board of tax commissioners the amount of assessed value for which the credit should be applied and the amount of personal property credits allowed for each person in **each taxing district in** that county for that calendar year. Before March 15 of each year, the state board of tax commissioners shall certify the amount of credits allowed to the property tax replacement fund board. The credits shall be determined in the same manner as property tax replacement credits are determined under IC 6-1.1-21 but after deducting the property tax replacement credit.

SECTION 41. IC 6-1.1-20.8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) The county auditor shall determine the eligibility of each applicant under this chapter and shall notify the applicant, ~~and~~, the state board of tax commissioners, **and the Indiana board of tax review** of the determination before August 15 of the year in which the application is made. This notice must contain a statement that:

(1) the applicant is entitled to appeal a denial of eligibility; and

(2) the state board of tax commissioners may, upon its own initiative, review the application and deny the credit.

(b) If the county auditor determines that an applicant is not eligible, the applicant may appeal for a review of the application by the ~~state~~ **Indiana** board of tax ~~commissioners review~~. An appeal is perfected by the filing of a written request for review with the ~~state~~ **Indiana** board of tax ~~commissioners~~ no later than thirty (30) days after the date on the county auditor's notice. The request must:

(1) state the name of the applicant;

(2) identify the application; and

(3) state the reasons the applicant believes that the county auditor's decision is incorrect.



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(c) The ~~state~~ **Indiana** board of tax ~~commissioners~~ **review** shall review the application of any applicant who files an appeal under subsection (b). **The Indiana board shall notify the applicant and the county auditor of the Indiana board's decision to allow or disallow the credit.**

(d) The state board of tax commissioners may review any application and if it finds that the applicant has been denied but is eligible or that the applicant is not eligible, the board shall notify the applicant and the county auditor of the board's decision to allow or disallow the credit.

(e) If a person desires to initiate an appeal of the Indiana board of tax review's final determination under subsection (c), the person must do all of the following not more than forty-five (45) days after the Indiana board gives the person notice of the final determination:

(1) File a written notice with the Indiana board informing the board of the person's intention to appeal.

(2) File a complaint in the tax court.

(3) Serve the attorney general and the county auditor with a copy of the complaint.

~~(d)~~ (f) If a person desires to initiate an appeal of the state board of tax commissioners' final determination under **subsection (d)**, ~~this section~~, the person must ~~do all of the following~~ **file a petition with the Indiana board of tax review** not more than forty-five (45) days after the state board of tax commissioners gives the person notice of the final determination.

~~(1) File a written notice with the state board of tax commissioners informing the board of the person's intention to appeal.~~

~~(2) File a complaint in the tax court.~~

~~(3) Serve the attorney general and the county auditor with a copy of the complaint.~~

SECTION 42. IC 6-1.1-21-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) Each year the department shall allocate from the property tax replacement fund an amount equal to the sum of:

(1) twenty percent (20%) of each county's total county tax levy payable that year; plus

(2) the total amount of homestead tax credits that are provided under IC 6-1.1-20.9 and allowed by each county for that year; plus

(3) an amount for each county that has one (1) or more taxing districts that contain all or part of an economic development

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district that meets the requirements of section 5.5 of this chapter.
This amount is the sum of the amounts determined under the
following STEPS for all taxing districts in the county that contain
all or part of an economic development district:

STEP ONE: Determine that part of the sum of the amounts
under section 2(g)(1)(A) and 2(g)(2) of this chapter that is
attributable to the taxing district.

STEP TWO: Divide:

(A) that part of the subdivision (1) amount that is
attributable to the taxing district; by

(B) the STEP ONE sum.

STEP THREE: Multiply:

(A) the STEP TWO quotient; times

(B) the property taxes levied in the taxing district that are
allocated to a special fund under IC 6-1.1-39-5.

(b) **Except as provided in subsection (e)**, between March 1 and
August 31 of each year, the department shall distribute to each county
treasurer from the property tax replacement fund one-half (1/2) of the
estimated distribution for that year for the county. Between September
1 and December 15 of that year, the department shall distribute to each
county treasurer from the property tax replacement fund the remaining
one-half (1/2) of each estimated distribution for that year. The amount
of the distribution for each of these periods shall be according to a
schedule determined by the property tax replacement fund board under
section 10 of this chapter. The estimated distribution for each county
may be adjusted from time to time by the department to reflect any
changes in the total county tax levy upon which the estimated
distribution is based.

(c) On or before December 31 of each year or as soon thereafter as
possible, the department shall make a final determination of the amount
which should be distributed from the property tax replacement fund to
each county for that calendar year. This determination shall be known
as the final determination of distribution. The department shall
distribute to the county treasurer or receive back from the county
treasurer any deficit or excess, as the case may be, between the sum of
the distributions made for that calendar year based on the estimated
distribution and the final determination of distribution. The final
determination of distribution shall be based on the auditor's abstract
filed with the auditor of state, adjusted for postabstract adjustments
included in the December settlement sheet for the year, and such
additional information as the department may require.

(d) All distributions provided for in this section shall be made on



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warrants issued by the auditor of state drawn on the treasurer of state. If the amounts allocated by the department from the property tax replacement fund exceed in the aggregate the balance of money in the fund, then the amount of the deficiency shall be transferred from the state general fund to the property tax replacement fund, and the auditor of state shall issue a warrant to the treasurer of state ordering the payment of that amount. However, any amount transferred under this section from the general fund to the property tax replacement fund shall, as soon as funds are available in the property tax replacement fund, be retransferred from the property tax replacement fund to the state general fund, and the auditor of state shall issue a warrant to the treasurer of state ordering the replacement of that amount.

(e) The department shall not distribute under subsection (b) and section 10 of this chapter the money attributable to the county's property reassessment fund if, by the date the distribution is scheduled to be made, the county auditor has not sent a certified statement required to be sent by that date under IC 6-1.1-17-1 to the state board of tax commissioners.

(f) If the elected township assessors in the county, the elected township assessors and the county assessor, or the county assessor has not transmitted to the Indiana board of tax review by August 1 of the year in which the distribution is scheduled to be made the data for all townships in the county required to be transmitted under IC 6-1.1-4-25(b), the department shall not distribute under subsection (b) and section 10 of this chapter a part of the money attributable to the county's property reassessment fund. The portion not distributed is the amount that bears the same proportion to the total potential distribution as the number of townships in the county for which data was not transmitted by August 1 as described in this section bears to the total number of townships in the county.

(g) Money not distributed under subsection (e) shall be distributed to the county when the county auditor sends to the state board of tax commissioners the certified statement required to be sent under IC 6-1.1-17-1 with respect to which the failure to send resulted in the withholding of the distribution under subsection (e).

(h) Money not distributed under subsection (f) shall be distributed to the county when the elected township assessors in the county, the elected township assessors and the county assessor, or the county assessor transmits to the Indiana board of tax review the data required to be transmitted under IC 6-1.1-4-25(b) with respect to which the failure to transmit resulted in the withholding



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1 **of the distribution under subsection (f).**

2 SECTION 43. IC 6-1.1-26-2 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) The county
4 auditor shall forward a claim for refund filed under section 1 of this
5 chapter to the state board of tax commissioners for review by the board
6 if:

7 (1) the claim is for the refund of taxes paid on an assessment
8 made or determined by the state board of tax commissioners; and

9 (2) the claim is based upon the grounds specified in
10 IC 6-1.1-26-1(4)(ii) or IC 6-1.1-26-1(4)(iii).

11 (b) The state board of tax commissioners shall review each refund
12 claim forwarded to it under this section. The board shall certify its
13 approval or disapproval on the claim and shall return the claim to the
14 county auditor.

15 (c) Before the state board of tax commissioners disapproves a
16 refund claim which is forwarded to it under this section, the board shall
17 notify the claimant of its intention to disapprove the claim and of the
18 time and place fixed for a hearing on the claim. The board shall hold
19 the hearing within thirty (30) days after the date of the notice. The
20 board shall conduct the hearing in the same manner that assessment
21 appeal hearings are conducted. The claimant has a right to be heard at
22 the hearing.

23 (d) If a person desires to initiate an appeal of the state board of tax
24 commissioners' final determination under this section, the person must
25 ~~do all of the following~~ **file a petition with the Indiana board of tax**
26 **review** not more than forty-five (45) days after the state board of tax
27 commissioners gives the person notice of the final determination.

28 ~~(1) File a written notice with the state board of tax commissioners~~
29 ~~informing the board of the person's intention to appeal.~~

30 ~~(2) File a complaint in the tax court.~~

31 ~~(3) Serve the attorney general and the county auditor with a copy~~
32 ~~of the complaint.~~

33 (e) If a person desires to initiate an appeal of the Indiana board
34 of tax review's final determination under this section, the person
35 **must do all of the following not more than forty-five (45) days after**
36 **the Indiana board gives the person notice of the final**
37 **determination:**

38 (1) **File a written notice with the Indiana board informing the**
39 **board of the person's intention to appeal.**

40 (2) **File a complaint in the tax court.**

41 (3) **Serve the attorney general and the county auditor with a**
42 **copy of the complaint.**



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SECTION 44. IC 6-1.1-26-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) A refund claim which is filed under section 1 of this chapter and which is not subject to review by the state board of tax commissioners under section 2 of this chapter shall be either approved or disapproved by the county auditor, the county treasurer, and the county assessor.

(b) If the claim for refund is disapproved by either the county auditor, the county treasurer, or the county assessor, the claimant may appeal that decision to the **state Indiana** board of tax ~~commissioners~~ **review**. The claimant must initiate the appeal and the **state Indiana** board shall hear the appeal in the same manner that assessment appeals are ~~initiated and heard by the Indiana board~~.

(c) If a person desires to initiate an appeal of the **state Indiana** board of tax ~~commissioners' review's~~ final determination under this section, the person must do all of the following not more than forty-five (45) days after the **state Indiana** board of tax ~~commissioners~~ gives the person notice of the final determination:

- (1) File a written notice with the **state Indiana** board of tax ~~commissioners~~ informing the board of the person's intention to appeal.
- (2) File a complaint in the tax court.
- (3) Serve the attorney general and the county auditor with a copy of the complaint.

SECTION 45. IC 6-1.1-26-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) A county auditor shall submit a refund claim filed under section 1 of this chapter to the county board of commissioners for final review after the appropriate county officials either approve or disapprove the claim and, if the claim is disapproved, an appeal to the **state Indiana** board of tax ~~commissioners review~~ is not initiated under section 3 of this chapter.

(b) The county board of commissioners shall disallow a refund claim if it was disapproved by one (1) of the appropriate county officials and an appeal to the **state Indiana** board of tax ~~commissioners~~ **review** was not initiated under section 3 of this chapter.

(c) Except as provided in subsection (b) of this section, the county board of commissioners may either allow or disallow a refund claim which is submitted to it for final review. If the county board disallows a claim, the claimant may appeal that decision to the **state Indiana** board of tax ~~commissioners~~ **review**.

(d) The **state Indiana** board of tax ~~commissioners~~ **review** shall hear an appeal under subsection (c) in the same manner that assessment appeals are ~~initiated and heard~~.



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(e) If a person desires to initiate an appeal of the ~~state Indiana~~ board of tax ~~commissioners'~~ **review's** final determination under this section, the person must do all of the following not more than forty-five (45) days after the ~~state Indiana~~ board of tax ~~commissioners~~ gives the person notice of the final determination:

(1) File a written notice with the ~~state Indiana~~ board of tax ~~commissioners~~ informing the board of the person's intention to appeal.

(2) File a complaint in the tax court.

(3) Serve the attorney general and the county auditor with a copy of the complaint.

SECTION 46. IC 6-1.1-26-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) When a claim for refund filed under section 1 of this chapter is allowed either by the county board of commissioners, the state board of tax commissioners, **the Indiana board of tax review**, or the Indiana tax court on appeal, the claimant is entitled to a refund. The amount of the refund shall equal the amount of the claim so allowed plus, **with respect to claims for refund filed after June 30, 2001**, interest at ~~six~~ **four** percent ~~(6%)~~ **(4%)** from the date on which the taxes were paid or payable, whichever is later, to the date of the refund. The county auditor shall, without an appropriation being required, issue a warrant to the claimant payable from the county general fund for the amount due the claimant under this section.

(b) In the June or December settlement and apportionment of taxes, or both the June and December settlement and apportionment of taxes, immediately following a refund made under this section the county auditor shall deduct the amount refunded from the gross tax collections of the taxing units for which the refunded taxes were originally paid and shall pay the amount so deducted into the general fund of the county. However, the county auditor shall make the deductions and payments required by this subsection not later than the December settlement and apportionment.

SECTION 47. IC 6-1.1-30-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 11. (a) The state board of tax commissioners may, by written order, appoint hearing officers.

(b) A board hearing officer may conduct any hearing which the board is required by law to hold. In the written order by which the board appoints a hearing officer, the board shall prescribe his duties. The board may have different hearing officers simultaneously conduct numerous hearings.

~~(c) This subsection does not apply to an appeal under IC 6-1.1-8-29.~~



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A division of appeals is established under the state board of tax commissioners. Personnel for the division shall be employed and the division shall be organized to give competent, timely, and impartial review of all appeals concerning:

- (1) the assessed valuation of tangible property;
- (2) property tax deductions;
- (3) property tax exemptions; or
- (4) property tax credits;

that are made from a determination by an assessing official or a county property tax assessment board of appeals to the state board of tax commissioners under any law. Notwithstanding any other law, appeals described in this subsection shall be conducted in the same manner as an appeal under IC 6-1.1-15-4 through IC 6-1.1-15-8.

(d) The chairman of the state board of tax commissioners shall appoint a full time director for the division of appeals. The director of the division of appeals shall report to the chairman of the state board of tax commissioners. The division shall otherwise act autonomously from the state board of tax commissioners in making determinations.

(e) This section does not prohibit the employees of the state board of tax commissioners from providing technical support to the division of appeals upon request.

SECTION 48. IC 6-1.1-30-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 12. (a) With respect to a review conducted by a field representative or supervisor under section 10 of this chapter or a hearing conducted by a hearing officer under section 11 of this chapter, the field representative, supervisor, or hearing officer shall submit a written report of his findings of fact and conclusions of law to the state board of tax commissioners.

(b) Except as provided in IC 6-1.1-15, After reviewing the report, the board may take additional evidence or hold additional hearings.

(c) The board shall base its final decision on the report, any additional evidence taken by the board, and any records that the board considers relevant.

SECTION 49. IC 6-1.1-30-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 13. In order to obtain information which is necessary to the board's conduct of a necessary or proper inquiry, the state board of tax commissioners a hearing officer in the division of appeals, or a board hearing officer or special representative, may:

- (1) subpoena and examine witnesses;
- (2) administer oaths; and
- (3) subpoena and examine books or papers which are in the hands



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of any person.

SECTION 50. IC 6-1.1-30-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 14. (a) The state board of tax commissioners:

- (1) shall see that the property taxes due this state are collected;
- (2) shall see that the penalties prescribed under this article are enforced;
- (3) shall investigate the property tax laws and systems of other states and countries; and
- (4) may recommend changes in this state's property tax laws to the general assembly.

(b) The state board of tax commissioners shall establish a personal property audit division. The state board shall see that personal property assessments are correctly and completely reported by annually conducting audits through a personal property tax audit division of a sampling of personal property assessment returns throughout the state. The employees of the audit division may be assigned only duties that further the state board's personal property audit functions under this subsection.

(c) The state board of tax commissioners shall establish a budget division. The state board shall carry out its functions relating to the review and certification of budgets, rates, and levies of political subdivisions through the budget division. The state board shall also use the budget division for training of employees of political subdivisions in budget matters. The employees of the budget division may be assigned only duties that further the state board's functions relating to budget review and certification under this subsection.

(d) The state board of tax commissioners shall establish an assessment division. The state board shall carry out its functions relating to the assessment of tangible property for property tax purposes through the assessment division. The state board shall also use the assessment division for training of assessing officials in assessment matters. The employees of the assessment division may be assigned only duties that further the state board's functions relating to assessment under this subsection.

(e) The state board of tax commissioners shall provide to the Indiana board of tax review all data within the state board's possession described in IC 6-1.5-6.

SECTION 51. IC 6-1.1-31-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The state board of tax commissioners shall do the following:



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(1) Prescribe the property tax forms and returns which taxpayers are to complete and on which the taxpayers' assessments will be based.

(2) Prescribe the forms to be used to give taxpayers notice of assessment actions.

(3) Adopt rules concerning the assessment of tangible property.

(4) Develop specifications that prescribe state requirements for computer software and hardware to be used by counties for assessment purposes. The specifications developed under this subdivision apply only to computer software and hardware systems purchased for assessment purposes after July 1, 1993.

(5) Adopt rules establishing criteria for the revocation of a certification under IC 6-1.1-35.5-6.

(b) The state board of tax commissioners may promulgate rules ~~which that~~ are related to **property taxation** or the duties or the procedures of the board.

SECTION 52. IC 6-1.1-31-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. In the preparation of rules, regulations, property tax forms, and property tax returns, the state board of tax commissioners may consider:

- (1) data compiled by the federal government;
- (2) data compiled by this state and its taxing authorities;
- (3) data compiled and studies made by a state college or university;
- (4) generally accepted practices of appraisers, including generally accepted property assessment valuation and mass appraisal principles and practices;
- (5) generally accepted indices of construction costs;
- (6) for assessment dates after February 28, ~~2001~~, **2002**, generally accepted indices of income accruing from real property; and
- (7) any other information which is available to the state board of tax commissioners.

SECTION 53. IC 6-1.1-31-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) The rules promulgated by the state board of tax commissioners are the basis for determining the true tax value of tangible property.

(b) Local assessing officials, members of the county property tax assessment board of appeals, and county assessors shall:

- (1) comply with the rules, appraisal manuals, bulletins, and directives adopted by the state board of tax commissioners;
- (2) use the property tax forms, property tax returns, and notice forms prescribed by the board; and



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(3) collect and record the data required by the board.

(c) In assessing tangible property, the township assessors, members of the county property tax assessment board of appeals, and county assessors may consider factors in addition to those prescribed by the state board of tax commissioners if the use of the additional factors is first approved by the board. Each township assessor, **each member** of the county property tax assessment board of appeals, and the county assessor shall indicate on ~~his~~ **the** records for each individual assessment whether:

(1) only the factors contained in the board's rules, forms, and returns have been considered; or

(2) factors in addition to those contained in the board's rules, forms, and returns have been considered.

SECTION 54. IC 6-1.1-31.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) After December 31, 1998, each county shall maintain a state certified computer system that has the capacity to:

(1) process and maintain assessment records;

(2) process and maintain standardized property tax forms;

(3) process and maintain standardized property assessment notices;

(4) maintain complete and accurate assessment records for the county; and

(5) process and compute complete and accurate assessments in accordance with Indiana law.

The county assessor with the recommendation of the township assessors shall select the computer system used by township assessors and the county assessor in the county except in a county with a township assessor elected under IC 36-6-5-1 in every township. In a county with an elected township assessor under IC 36-6-5-1 in every township, the ~~county assessor~~ **elected township assessors** shall select a computer system based on a majority vote of the township assessors in the county.

(b) All information on the computer system shall be readily accessible to:

(1) township assessors;

(2) the county assessor;

(3) the board; ~~and~~

(4) members of the county property tax assessment board of appeals; **and**

(5) the Indiana board of tax review.

(c) The certified system used by the counties must be compatible



1 with the data export and transmission requirements in a standard
 2 format prescribed by the board. The certified system must be
 3 maintained in a manner that ensures prompt and accurate transfer of
 4 data to the board.

5 (d) All standardized property forms and notices on the certified
 6 computer system shall be maintained by the township assessor and the
 7 county assessor in an accessible location and in a format that is easily
 8 understandable for use by persons of the county.

9 SECTION 55. IC 6-1.1-34-1 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. Each year in which
 11 a general assessment of real property becomes effective, the ~~state~~
 12 **Indiana** board of tax ~~commissioners review~~ shall compute a new
 13 assessment ratio for each ~~school~~ **school** corporation and a new state
 14 average assessment ratio. In all other years, the board may compute a
 15 new assessment ratio for a school corporation and a new state average
 16 assessment ratio if the board finds that there has been sufficient
 17 reassessment of one (1) or more classes of property in the school
 18 district. When the ~~state Indiana~~ board of tax ~~commissioners~~
 19 computes a new assessment ratio for a school corporation, the board shall publish
 20 the new ratio.

21 SECTION 56. IC 6-1.1-34-2 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. A school
 23 corporation's assessment ratio for a particular year equals:

24 (1) the total assessed valuation of the property within the school
 25 district; divided by

26 (2) the total true tax value which the ~~state Indiana~~ board of tax
 27 ~~commissioners review~~ determines would result if the property
 28 within the school district were valued in the manner provided by
 29 law.

30 SECTION 57. IC 6-1.1-34-3 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. The state average
 32 assessment ratio for a particular year equals:

33 (1) the sum of the assessed valuations of the property within all
 34 the school corporations of this state; divided by

35 (2) the sum of the true tax values which the ~~state Indiana~~ board
 36 of tax ~~commissioners review~~ determines would result if the
 37 property within all the school corporations of this state were
 38 valued in the manner provided by law.

39 SECTION 58. IC 6-1.1-34-4 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. In order to compute
 41 the assessment ratio for a school corporation, the ~~state Indiana~~ board
 42 of tax ~~commissioners review~~ shall first make a random sampling of the

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assessed values and true tax values of the following classes of real and personal property:

- (1) Residential.
- (2) Farm.
- (3) Commercial.
- (4) Industrial.

SECTION 59. IC 6-1.1-34-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. When computing the assessment ratio for a school corporation, the **state Indiana** board of tax ~~commissioners review~~ shall weight the ratio to reflect the relative importance of each class of property within the school district. Before calculating a school corporation's assessment ratio, the **state Indiana** board of tax ~~commissioners~~ shall discuss the weight to be given to each class of property with:

- (1) residents of the school district; and
- (2) elected officials or other individuals who are familiar with the economic base of the school district.

SECTION 60. IC 6-1.1-34-6, AS AMENDED BY P.L.273-1999, SECTION 130, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. (a) After the **state Indiana** board of tax ~~commissioners review~~ calculates a new assessment ratio for a school corporation and before publishing the new ratio, the board shall send a notice of the new assessment ratio to the county auditor, the county assessor, and the governing body of the school corporation. The **state Indiana** board of tax ~~commissioners~~ shall send these notices before March 2 of each year in which the board calculates a new assessment ratio for the school corporation.

(b) Within thirty (30) days after notification of a new assessment ratio, the county auditor, the county assessor, or the governing body of the school corporation may:

- (1) examine and verify the **state Indiana** board of tax ~~commissioners' review's~~ data; and
- (2) make suggestions concerning the values established by the board.

(c) Before April 15 of each year in which the board calculates a new assessment ratio for the school corporation, the **state Indiana** board of tax ~~commissioners review~~ shall publish the new assessment ratio.

SECTION 61. IC 6-1.1-34-7, AS AMENDED BY P.L.273-1999, SECTION 131, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. Each year in which the **state Indiana** board of tax ~~commissioners review~~ computes a new assessment ratio for a school corporation, the board shall also compute

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a new adjustment factor for the school corporation. If the school corporation's assessment ratio for a year is more than ninety-nine percent (99%) but less than one hundred one percent (101%) of the state average assessment ratio for that year, the school corporation's adjustment factor is the number one (1). In all other cases, the school corporation's adjustment factor equals (1) the state average assessment ratio for a year, divided by (2) the school corporation's assessment ratio for that year. The ~~state Indiana~~ board of ~~tax commissioners~~ shall notify the school corporation of its new adjustment factor before March 2 of the year in which the board calculates the new adjustment factor.

SECTION 62. IC 6-1.1-34-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9. In order to perform the duties assigned to it under this chapter, the ~~state Indiana~~ board of ~~tax commissioners~~ **review**:

- (1) shall conduct continuing studies of all property which is subject to assessment in this state;
- (2) may request access to all local and state official records;
- (3) may secure information from the federal government or from public or private agencies;
- (4) may inspect a person's books, records, or property if the item is relevant to information which the board needs in order to implement this chapter; and
- (5) may adopt appropriate forms and procedures.

SECTION 63. IC 6-1.1-34-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10. If a state or local official or employee does not give the ~~state Indiana~~ board of ~~tax commissioners~~ **review** access to official records which the board has asked to examine under section 9(2) of this chapter, the official's or employee's action is evidence of misconduct in the office or position which he holds.

SECTION 64. IC 6-1.1-34-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 11. Information which the ~~state Indiana~~ board of ~~tax commissioners~~ **review** has obtained from the federal government or a public agency under section 9(3) of this chapter is subject to the provider's rules and regulations, if any, which concern the confidential nature of the information. In addition, the information compiled by the board under this chapter is confidential until publication of the assessment ratio and then loses its confidential character only to the extent that it is used in determining the ratio.

SECTION 65. IC 6-1.1-34-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 12. ~~If~~ The ~~state~~

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1 **Indiana board of tax commissioners employs review may employ**
 2 additional personnel in order to perform the duties assigned to the
 3 board under this chapter. ~~the board shall select the employees in the~~
 4 ~~manner prescribed in 1971, IC 6-1.1-30-9.~~

5 SECTION 66. IC 6-1.1-35.2-2 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) In any year
 7 in which an assessing official, a county assessor, or a member of a
 8 county property tax assessment board of appeals takes office for the
 9 first time, the state board of tax commissioners shall conduct training
 10 sessions determined under the rules adopted by the state board of tax
 11 commissioners under IC 4-22-2 for these new officials. These sessions
 12 must be held **in Marion County and in at sufficient least four (4)**
 13 **other** convenient locations throughout Indiana. **The sessions shall be**
 14 **held at times that are sufficient to provide each county assessor**
 15 **and assessing official with an opportunity to attend the training.**

16 (b) Any new assessing official, county assessor, or member of a
 17 county property tax assessment board of appeals who attends a required
 18 session is entitled to receive the per diem per session set by the state
 19 board of tax commissioners by rule adopted under IC 4-22-2 and a
 20 mileage allowance from the county in which the official resides.

21 (c) A person is entitled to a mileage allowance under this section
 22 only for travel between the person's place of work and the training
 23 session nearest to the person's place of work.

24 SECTION 67. IC 6-1.1-35.2-3 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Each year the
 26 state board of tax commissioners shall conduct the continuing
 27 education sessions required in the rules adopted by the state board of
 28 tax commissioners for all assessing officials, county assessors, and all
 29 members of, and hearing officers for, the county property tax
 30 assessment board of appeals. These sessions must be conducted at
 31 sufficient convenient locations throughout Indiana.

32 (b) **Sessions must be offered a number of times that are**
 33 **sufficient to provide each level one assessor and level two assessor**
 34 **with an opportunity to attend continuing education sessions every**
 35 **two (2) years to maintain certification for each level under**
 36 **IC 6-1.1-35.5.**

37 (c) Any assessing official, county assessor, or member of, and
 38 hearing officers for, the county property tax assessment board of
 39 appeals who attends required sessions is entitled to receive a mileage
 40 allowance and the per diem per session set by the state board of tax
 41 commissioners by rule adopted under IC 4-22-2 from the county in
 42 which the official resides. A person is entitled to a mileage allowance



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under this section only for travel between the person's place of work and the training session nearest to the person's place of work.

SECTION 68. IC 6-1.1-35.2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The training programs prescribed by this chapter must be designed so that the attendees at a program are prepared to train their subordinates. **In addition, the training programs must include:**

(1) a course on basic assessment administration with an examination; and

(2) the information necessary to obtain a level one certification under rules adopted by the state board of tax commissioners.

SECTION 69. IC 6-1.1-35.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The level one examination shall be given in the month of July, and the level two examination shall be given in the month of August. Both level examinations also shall be offered annually immediately following the conference of state board of tax commissioners and at any other times that coordinate with ~~applicable courses of instruction; training sessions conducted under IC 6-1.1-35.2-2.~~ The state board of tax commissioners may also give either or both examinations at other times throughout the year.

(b) Examinations shall be held **each year, at the times prescribed in subsection (a), in Indianapolis at a location and at not less than four (4) other convenient locations** chosen by the state board of tax commissioners.

(c) **The state board of tax commissioners may not limit the number of individuals who take the examination and shall provide an opportunity for all enrollees at each session to take the examination at that session.**

SECTION 70. IC 6-1.1-35.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The state board of tax commissioners shall certify all persons who successfully perform ~~on~~ an examination under this chapter and shall furnish ~~them~~ **each successful examinee** with a certificate that prominently displays the name of the successful examinee and the fact that ~~he~~ **the person** is a level one or level two certified Indiana assessor-appraiser.

(b) **The state board of tax commissioners shall revoke the certification of an individual if the state board reasonably determines that the individual committed fraud or misrepresentation with respect to the preparation, administration, or taking of the examination. The state board of tax commissioners**



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1 shall give notice and hold a hearing to consider all of the evidence
2 about the fraud or misrepresentation before deciding whether to
3 revoke the individual's certification.

4 SECTION 71. IC 6-1.1-36-5 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. In order to discharge
6 their official duties, the following officials may administer oaths and
7 affirmations:

8 (1) Assessing officials.

9 (2) County assessors.

10 (3) County auditors.

11 (4) Members of a county property tax assessment board of
12 appeals.

13 (5) Members of the state board of tax commissioners.

14 **(6) Members of the Indiana board of tax review.**

15 SECTION 72. IC 6-1.1-37-11 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 11. (a) If a taxpayer is
17 entitled to a property tax refund or credit because an assessment is
18 decreased, the taxpayer shall also be paid, or credited with, interest on
19 the excess taxes that he paid at the rate of ~~six~~ four percent (~~6%~~) (4%)
20 per annum.

21 (b) For purposes of this section and except as provided in
22 subsection (c), the interest shall be computed from the date on which
23 the taxes were paid or due, whichever is later, to the date of the refund
24 or credit.

25 (c) This subsection applies if a taxpayer who is entitled to a
26 refund or credit does not make a written request for the refund or
27 credit to the county auditor within forty-five (45) days after the
28 final determination of the county property tax assessment board of
29 appeals, the state board of tax commissioners, the Indiana board
30 of review, or the Indiana tax court that entitles the taxpayer to the
31 refund or credit. In the case of a taxpayer described in this
32 subsection, the interest shall be computed from the date on which
33 the taxes were paid or due to the date that is forty-five (45) days
34 after the final determination of the county property tax assessment
35 board of appeals, the state board of tax commissioners, the Indiana
36 board of tax review, or the Indiana tax court. In any event, a
37 property tax refund or credit must be issued not later than ninety
38 (90) days after the request is received.

39 SECTION 73. IC 6-1.5 IS ADDED TO THE INDIANA CODE AS
40 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
41 2001]:

42 **ARTICLE 1.5. INDIANA BOARD OF TAX REVIEW**

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Chapter 1. Definitions

Sec. 1. The definitions in IC 6-1.1-1 apply throughout this article.

Sec. 2. "Major political party" has the meaning set forth in IC 3-5-2-30.

Sec. 3. "Indiana board" refers to the Indiana board of tax review established under this article.

Chapter 2. Establishment of Board

Sec. 1. (a) A state agency to be known as the Indiana board of tax review is hereby established. The Indiana board is composed of four (4) lay members. The governor shall appoint the members of the Indiana board. The members of the Indiana board shall elect the chairperson of the board.

(b) Two (2) members of the Indiana board must be members of one major political party, and two (2) members of the board must be members of the other major political party.

(c) Except as provided in subsections (d) and (e), the term of office of an Indiana board member is four (4) years.

(d) The initial terms of office of the Indiana board are as follows:

(1) For one (1) board member, one (1) year.

(2) For one (1) board member, two (2) years.

(3) For one (1) board member, three (3) years.

(4) For one (1) board member, four (4) years.

(e) An Indiana board member appointed to fill a vacancy shall serve for the unexpired term of the member's predecessor.

(f) Any three (3) members of the Indiana board constitute a quorum for the transaction of business. Action may be taken by the Indiana board only upon the vote of a majority of the whole board.

Sec. 2. (a) Before performing any official duties, each lay member of the Indiana board shall execute:

(1) a surety bond in the amount of ten thousand dollars (\$10,000), with a surety approved by the governor; and

(2) an oath of office.

(b) The surety bond shall be payable to the state and shall be conditioned on the faithful discharge of the Indiana board member's duties. The executed surety bond and oath of office shall be filed in the office of the secretary of state.

Sec. 3. After a hearing on the matter, the governor may remove a member of the Indiana board for incompetency, neglect, or inefficiency.

Sec. 4. The Indiana board shall meet in continuous session



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throughout each calendar year in quarters provided by the state in the city of Indianapolis. The state shall provide the Indiana board with the supplies and printing that the board needs to transact business.

Sec. 5. The Indiana board shall keep a record of its proceedings and orders. The Indiana board's record is a public record. A copy of the appropriate portion of the record is sufficient evidence in all courts or proceedings to prove an action, a rule, or an order of the Indiana board if the copy is certified by a lay member of the board.

Sec. 6. The Indiana board shall establish:

- (1) a division of appeals; and
- (2) a division of data analysis.

Chapter 3. Employees

Sec. 1. (a) To properly and efficiently perform its duties, the Indiana board may, subject to the limitations in subsection (c), hire employees under this section.

(b) Each member and each employee of the Indiana board shall receive:

- (1) an annual salary to be fixed in the manner prescribed in IC 4-12-1-13; and
- (2) the same mileage and travel allowances that other state employees receive.

(c) The Indiana board shall select the following employees in the manner prescribed in this section:

- (1) Supervisors.
- (2) Administrative law judges and other employees who are selected to work in the Indiana board's division of appeals.
- (3) Employees who are selected to work in the Indiana board's division of data analysis.
- (4) Employees who are selected to perform the other duties assigned to the Indiana board under this article.

Sec. 2. The Indiana board may delegate to an employee the board's powers with respect to any duty of the board.

Sec. 3. (a) The Indiana board may, by written order, appoint administrative law judges.

(b) An administrative law judge may conduct any hearing that the Indiana board is required by law to hold. In the written order by which the Indiana board appoints an administrative law judge, the board shall prescribe the duties of the position. The Indiana board may have different administrative law judges simultaneously conduct numerous hearings.

Chapter 4. Appeals of Determinations by Assessing Officials



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1 **Sec. 1. (a) The Indiana board shall conduct an impartial review**
 2 **of all appeals concerning:**

- 3 **(1) the assessed valuation of tangible property;**
 4 **(2) property tax deductions;**
 5 **(3) property tax exemptions; or**
 6 **(4) property tax credits;**

7 **that are made from a determination by an assessing official or a**
 8 **county property tax assessment board of appeals to the Indiana**
 9 **board under any law.**

10 **(b) Appeals described in this section shall be conducted under**
 11 **IC 6-1.1-15.**

12 **Chapter 5. Appeals of Final Determinations by the State Board**
 13 **of Tax Commissioners**

14 **Sec. 1. (a) The Indiana board shall conduct impartial review of**
 15 **all appeals of final determinations of the state board of tax**
 16 **commissioners made under the following:**

- 17 **(1) IC 6-1.1-8.**
 18 **(2) IC 6-1.1-12.1.**
 19 **(3) IC 6-1.1-14.**
 20 **(4) IC 6-1.1-16.**
 21 **(5) IC 6-1.1-26-2.**

22 **(b) Each notice of final determination issued by the state board**
 23 **of tax commissioners under a statute listed in subsection (a) must**
 24 **give the taxpayer notice of:**

- 25 **(1) the opportunity for review under this section; and**
 26 **(2) the procedures the taxpayer must follow in order to obtain**
 27 **review under this section.**

28 **(c) In order to obtain a review by the Indiana board under this**
 29 **section, the taxpayer must file a petition for review with the**
 30 **appropriate county assessor within forty-five (45) days after the**
 31 **notice of the state board of tax commissioners' action is given to the**
 32 **taxpayer.**

33 **(d) The county assessor shall transmit the petition for review to**
 34 **the Indiana board within ten (10) days after it is filed.**

35 **Sec. 2. (a) After receiving a petition for review that is filed**
 36 **under a statute listed in section 1(a) of this chapter, the division of**
 37 **appeals of the Indiana board shall conduct a hearing at its earliest**
 38 **opportunity.**

39 **(b) In its resolution of a petition, the Indiana board may correct**
 40 **any errors that may have been made, and adjust the assessment in**
 41 **accordance with the correction.**

42 **(c) The division of appeals of the Indiana board shall give notice**



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of the date fixed for the hearing, by mail, to:

- (1) the taxpayer;
- (2) the state board of tax commissioners; and
- (3) the appropriate:
 - (A) township assessor;
 - (B) county assessor; and
 - (C) county auditor.

(d) The division of appeals of the Indiana board shall give the notices required under subsection (c) at least ten (10) days before the day fixed for the hearing.

Sec. 3. The Indiana board shall prescribe a form for use in processing petitions for review of actions by the state board of tax commissioners. The Indiana board shall issue instructions for completion of the form.

Sec. 4. (a) The administrative law judge who conducts a hearing shall submit a written report of findings of fact and conclusions of law to the Indiana board.

(b) After reviewing the report of the administrative law judge, the Indiana board may take additional evidence or hold additional hearings.

(c) The Indiana board shall base its final determination on:

- (1) the report of the administrative law judge;
- (2) any additional evidence taken by the Indiana board; and
- (3) any records that the Indiana board considers relevant.

Sec. 5. After the hearing, the Indiana board shall give the petitioner, the township assessor, the county assessor, the county auditor, and the state board of tax commissioners:

- (1) notice, by mail, of its final determination, findings of fact, and conclusions of law; and
- (2) notice of the procedures the petitioner or the state board of tax commissioners must follow in order to obtain court review of the final determination of the Indiana board.

Sec. 6. (a) The division of appeals of the Indiana board shall conduct a hearing within six (6) months after a petition in proper form is filed with the division, excluding any time due to a delay reasonably caused by the petitioner.

(b) The Indiana board shall make a final determination within the later of forty-five (45) days after the hearing or the date set in an extension order issued by the Indiana board. However, the Indiana board may not extend the final determination date by more than one hundred eighty (180) days.

(c) The failure of the Indiana board to make a final



determination within the time allowed by this section shall be treated as a final determination of the Indiana board to deny the petition.

Sec. 7. A final determination of the Indiana board is subject to appeal under IC 6-1.1-15.

Sec. 8. In order to obtain information that is necessary to the Indiana board's conduct of a necessary or proper inquiry, the Indiana board or a board administrative law judge may:

- (1) subpoena and examine witnesses;
- (2) administer oaths; and
- (3) subpoena and examine books or papers that are in the hands of any person.

Sec. 9. (a) The Indiana board may file an affidavit with a circuit court of this state if:

- (1) the Indiana board has requested that a person give information or produce books or records; and
- (2) the person has not complied with the request.

(b) An affidavit filed under subsection (a) must state that the person has not complied with the request of the Indiana board to give information or produce books or records.

(c) When an affidavit is filed under subsection (a), the circuit court shall issue a writ that directs the person to appear at the office of the Indiana board and to give the requested information or produce the requested books or records. The appropriate county sheriff shall serve the writ. Disobedience of the writ is punishable as a contempt of the court that issued the writ.

(d) If a writ is issued under this section, the cost incurred in filing the affidavit, in the issuance of the writ, and in the service of the writ shall be charged to the person against whom the writ is issued. If a writ is not issued, all costs shall be charged to the county in which the circuit court proceedings are held, and the board of commissioners of that county shall allow a claim for the costs.

(e) IC 6-1.1-15, as in effect before July 1, 2001, applies to an appeal initiated before July 1, 2001, of a final determination of the state board of tax commissioners.

Chapter 6. Data Analysis

Sec. 1. The division of data analysis shall do the following:

- (1) Compile an electronic data base that includes the following:
 - (A) Information from the local government data base maintained by the state board of tax commissioners,



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categorized by taxing district and taxing unit.

(B) Information on sales of real and personal property, including information from sales disclosure forms filed under IC 6-1.1-5.5.

(C) Personal property assessed values and data entries on personal property return forms.

(D) Real property assessed values and data entries on real property assessment records, including data received under IC 6-1.1-4-25.

(E) Information on property tax exemptions, deductions, and credits.

(F) Any other data relevant to the accurate determination of real property and personal property tax assessments.

(2) Make available to each county and township software that permits the transfer of the data described in subdivision (1) to the division in a uniform format through a secure connection over the Internet.

(3) Analyze the data compiled under this section for the purpose of performing the functions of the division of data analysis under section 2 of this chapter.

(4) Conduct continuing studies of personal and real property tax deductions, abatement, and exemptions used throughout Indiana. The Indiana board shall, before May 1 of each even-numbered year, report on the studies at a meeting of the budget committee and submit a report on the studies to the legislative services agency for distribution to the members of the legislative council.

Sec. 2. The division of data analysis shall:

(1) conduct continuing studies in the areas in which the state board of tax commissioners operates;

(2) make periodic field surveys and audits of tax rolls, plat books, building permits, real estate transfers, gross income tax returns, federal income tax returns, and other data that may be useful in checking property valuations or taxpayer returns;

(3) make test checks of property valuations to serve as the bases for special reassessments ordered by the Indiana board under IC 6-1.5-7;

(4) conduct biennially a coefficient of dispersion study for each township and county in the state;

(5) conduct quadrennially a sales assessment ratio study for each township and county in the state;



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- (6) compute school assessment ratios under IC 6-1.1-34; and
- (7) report annually to the executive director of the legislative services agency the information obtained or determined by the division of data analysis under this section.

Sec. 3. To perform its duties, the division of data analysis may do the following:

- (1) Request access to any local or state official records.
- (2) Secure information from the federal government or from public or private agencies.
- (3) Inspect a person's books, records, or property.
- (4) Conduct a review of either all or a random sampling of personal or real property assessments.
- (5) Employ professional appraisal firms to assist in making test checks of property valuations.
- (6) Recommend changes in property tax administration.
- (7) Use any other device or technique to equalize tax burdens or to implement this chapter.

Sec. 4. Information that has been provided to the division of data analysis by the federal government or by a public agency is subject to the provider's rules and regulations, if any, that concern the confidential nature of the information.

Chapter 7. Special Reassessments

Sec. 1. With respect to any township or county for any year, the Indiana board may initiate a review to determine whether to order a special reassessment under this chapter. The review may apply to real property or personal property, or both.

Sec. 2. If the Indiana board determines under section 1 of this chapter to initiate a review with respect to the real property within a township or county, or a portion of the real property within a township or county, the division of data analysis of the Indiana board shall determine for the real property under consideration and for the township or county the variance between:

- (1) the total assessed valuation of the real property within the township or county; and
- (2) the total assessed valuation that would result if the real property within the township or county were valued in the manner provided by law.

Sec. 3. If the Indiana board determines under section 1 of this chapter to initiate a review with respect to personal property within a township or county, or a part of the personal property within a township or county, the division of data analysis of the Indiana board shall determine for the personal property under



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consideration and for the township or county the variance between:

- (1) the total assessed valuation of the personal property within the township or county; and
- (2) the total assessed valuation that would result if the personal property within the township or county were valued in the manner provided by law.

Sec. 4. The determination of the Indiana board under section 2 or 3 of this chapter must be based on a statistically valid assessment ratio study.

Sec. 5. If a determination of the Indiana board to order a special reassessment under this chapter is based on a coefficient of dispersion study, the Indiana board shall publish the coefficient of dispersion study for the township or county in accordance with IC 5-3-1-2(j).

Sec. 6. (a) If:

- (1) the variance determined under section 2 or 3 of this chapter exceeds twenty percent (20%); and
- (2) the Indiana board determines after holding hearings under section 7 of this chapter that a special reassessment should be conducted;

the Indiana board shall contract for a special reassessment to be conducted under this chapter to correct the valuation of the property.

(b) If the variance determined under section 2 or 3 of this chapter is twenty percent (20%) or less, the Indiana board shall provide to the state board of tax commissioners notice of the variance and the Indiana board's documentation of the variance. The state board of tax commissioners shall determine whether to correct the valuation of the property under:

- (1) IC 6-1.1-4-9 and IC 6-1.1-4-10; or
- (2) IC 6-1.1-14-10 and IC 6-1.1-14-11.

Sec. 7. (a) The Indiana board shall give notice by mail to a taxpayer of a hearing concerning the Indiana board's intent to cause the taxpayer's property to be reassessed under section 6(a) of this chapter. The time fixed for the hearing must be at least ten (10) days after the day the notice is mailed. The Indiana board may conduct a single hearing under this section with respect to multiple properties. The notice must state:

- (1) the time of the hearing;
- (2) the location of the hearing; and
- (3) that the purpose of the hearing is to hear taxpayers'



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1 comments and objections with respect to the Indiana board's
2 intent to reassess property under this chapter.

3 (b) If the Indiana board determines after the hearing that
4 property should be reassessed under this chapter, the Indiana
5 board shall:

6 (1) cause the property to be reassessed under section 6(a) of
7 this chapter;

8 (2) mail a certified notice of its final determination to the
9 county auditor of the county in which the property is located;
10 and

11 (3) notify the taxpayer by mail of its final determination.

12 (c) A reassessment may be made under this section only if the
13 notice of the final determination under subsection (b)(3) is given to
14 the taxpayer within the same period prescribed in IC 6-1.1-9-3 or
15 IC 6-1.1-9-4.

16 Sec. 8. If the Indiana board orders a special reassessment of
17 property under this chapter, the Indiana board shall forward the
18 bill for services of the reassessment contractor to the county
19 auditor, and the county shall pay the bill from the county
20 reassessment fund.

21 Chapter 8. Adoption of Rules

22 Sec. 1. (a) Subject to subsection (b), the Indiana board shall
23 adopt rules under IC 4-22-2 to govern the practice of
24 representatives in proceedings before the Indiana board under this
25 article.

26 (b) A rule adopted under subsection (a) may not:

27 (1) restrict the ability of a representative to practice before
28 the Indiana board based on the fact that the representative is
29 not an attorney admitted to the Indiana bar; or

30 (2) restrict the admissibility of the written or oral testimony
31 of a representative or other witness before the Indiana board
32 based upon the manner in which the representative or other
33 witness is compensated.

34 (c) This subsection applies to a petition that is filed with the
35 Indiana board before the adoption of a rule under subsection (a)
36 that establishes new standards for:

37 (1) the presentation of evidence or testimony; or

38 (2) the practice of representatives.

39 The Indiana board may not dismiss the petition solely for failure
40 to comply with the rule adopted under subsection (a) without
41 providing the petitioner an opportunity to present evidence,
42 testimony, or representation in compliance with the rule.



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SECTION 74. IC 8-3-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. In all proceedings by or before the department as provided in this chapter, and in all proceedings in any court in this state as provided in this chapter, the department and such courts shall receive in evidence all schedules of rates and charges and rules in force by such carriers in this state and filed with the department as provided in this chapter and of all such rates and rules as shall be adopted by the department or ordered observed by any court of this state as provided in this chapter without formal proof thereof being made, and the department and such courts shall likewise also receive in evidence the contents of all reports made to the department by such carriers as required in this chapter, and of all official and statistical reports and publications, published by the bureau of statistics in this state, or by the state board of tax commissioners, **by the Indiana board of tax review**, by the Interstate Commerce Commission, by the department having control of the federal census and of the United States commissioner of corporations, without formal proof being offered concerning authenticity.

SECTION 75. IC 33-3-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) The tax court is a court of limited jurisdiction. The tax court has exclusive jurisdiction over any case that arises under the tax laws of this state and that is an initial appeal of a final determination made by:

(1) the department of state revenue with respect to a listed tax (as defined in IC 6-8.1-1-1); or

(2) the ~~state Indiana~~ board of tax ~~commissioners~~ **review**.

(b) The tax court also has:

(1) any other jurisdiction conferred by statute; **and**

(2) **exclusive jurisdiction over any case that was an initial appeal initiated before July 1, 2001, of a final determination made by the state board of tax commissioners.**

(c) The cases over which the tax court has exclusive original jurisdiction are referred to as original tax appeals in this chapter. The tax court does not have jurisdiction over a case unless:

(1) the case is an original tax appeal; or

(2) the tax court has otherwise been specifically assigned jurisdiction by statute.

(d) A taxpayer that appeals to the tax court shall, at the time the appeal is filed, elect to have all evidentiary hearings in the appeal conducted in one (1) of the following counties:

(1) Allen County.

(2) Jefferson County.



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- (3) Lake County.
- (4) Marion County.
- (5) St. Joseph County.
- (6) Vanderburgh County.
- (7) Vigo County.

(e) A taxpayer that is an appellee in an appeal to the tax court shall, within thirty (30) days after it receives notice of the appeal, elect to have all evidentiary hearings in the appeal conducted in a county listed in subsection (d).

(f) The tax court does not have jurisdiction over a case that is an appeal from a final determination made by the department of state revenue under IC 4-32 other than a final determination concerning the gaming card excise tax established under IC 4-32-15.

SECTION 76. IC 33-3-5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 11. (a) A taxpayer who wishes to initiate an original tax appeal must file a petition in the tax court to set aside the final determination of the department of state revenue or the ~~state~~ **Indiana** board of tax ~~commissioners~~ **review**. If a taxpayer fails to comply with any statutory requirement for the initiation of an original tax appeal, the tax court does not have jurisdiction to hear the appeal.

(b) A taxpayer who wishes to enjoin the collection of a tax pending the original tax appeal must file a petition with the tax court to enjoin the collection of the tax. The petition must set forth a summary of:

- (1) the issues that the petitioner will raise in the original tax appeal; and
- (2) the equitable considerations for which the tax court should order the collection of the tax to be enjoined.

(c) After a hearing on the petition filed under subsection (b), the tax court may enjoin the collection of the tax pending the original tax appeal, if the tax court finds that:

- (1) the issues raised by the original tax appeal are substantial;
- (2) the petitioner has a reasonable opportunity to prevail in the original tax appeal; and
- (3) the equitable considerations favoring the enjoining of the collection of the tax outweigh the state's interests in collecting the tax pending the original tax appeal.

(d) This section does not apply to a final determination of the department of state revenue under IC 4-32 other than a final determination concerning the gaming card excise tax established under IC 4-32-15.

SECTION 77. IC 33-3-5-12 IS AMENDED TO READ AS



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FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 12. (a) The tax court shall establish a small claims docket for processing:

- (1) claims for refunds from the department of state revenue that do not exceed five thousand dollars (\$5,000) for any year; and
- (2) appeals of final determinations of assessed value made by the **state Indiana** board of tax ~~commissioners~~ **review** that do not exceed forty-five thousand dollars (\$45,000).

(b) The tax court shall adopt rules and procedures under which cases on the small claims docket are heard and decided.

SECTION 78. IC 33-3-5-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 14. (a) With respect to determinations as to whether any issues or evidence may be heard in an original tax appeal **of a final determination of the department of state revenue or the Indiana board of tax review** that was not heard in the administrative hearing or proceeding, the tax court is governed by the law that applied before the creation of the tax court to appeals to trial courts of final determinations made by the department of state revenue and the state board of tax commissioners.

(b) **The tax court is governed by the law that applied before July 1, 2001, to appeals to the tax court of final determinations made by the state board of tax commissioners with respect to:**

- (1) the standard of review for determining whether to reverse final determinations of the Indiana board of tax review; and
- (2) the burden of proof in the proceeding.

(c) **Judicial review of disputed issues of fact in an original tax appeal of a final determination of the Indiana board of tax review is confined to:**

- (1) the record of the proceeding before the Indiana board, including its division of appeals; and
- (2) any additional evidence taken under section 14.5 of this chapter.

The tax court may not try the cause de novo or, except as provided in subsections (a) and (b), substitute its judgment for that of the Indiana board, including its division of appeals. Judicial review is limited to only those issues raised before the Indiana board, including its division of appeals, or otherwise described by the Indiana board, including its division of appeals, in its final determination.

(d) **A person may obtain judicial review of an issue that was not raised before the Indiana board of tax review only to the extent that the:**

- (1) issue concerns whether a person who was required to be



1 notified of the commencement of a proceeding under this
 2 chapter was notified in substantial compliance with the
 3 applicable law; or

4 (2) interests of justice would be served by judicial resolution
 5 of an issue arising from a change in controlling law occurring
 6 after the Indiana board's action.

7 SECTION 79. IC 33-3-5-14.5 IS ADDED TO THE INDIANA
 8 CODE AS A NEW SECTION TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2001]: Sec. 14.5. (a) The tax court may
 10 receive evidence in addition to that contained in the record of the
 11 final determination of the Indiana board of tax review, including
 12 its division of appeals, only if the evidence relates to the validity of
 13 the final determination at the time it was taken and is needed to
 14 decide disputed issues regarding one (1) or more of the following:

15 (1) Improper constitution as a decision making body or
 16 grounds for disqualification of those taking the agency action.

17 (2) Unlawfulness of procedure or decision making process.

18 (3) New issues raised by the Indiana board of tax review in its
 19 final determination.

20 This subsection applies only if the additional evidence could not, by
 21 due diligence, have been discovered and raised in the
 22 administrative proceeding giving rise to a proceeding for judicial
 23 review.

24 (b) The tax court may remand a matter to the Indiana board of
 25 tax review before final disposition of a petition for review with
 26 directions that the Indiana board or its division of appeals, as
 27 appropriate, conduct further factfinding or that the Indiana board
 28 or its division of appeals, as appropriate, prepare an adequate
 29 record, if:

30 (1) the Indiana board or its division of appeals failed to
 31 prepare or preserve an adequate record;

32 (2) the Indiana board or its division of appeals improperly
 33 excluded or omitted evidence from the record; or

34 (3) a relevant law changed after the action of the Indiana
 35 board or its division of appeals and the tax court determines
 36 that the new provision of law may control the outcome.

37 (c) This subsection applies if the record for a judicial review
 38 prepared under IC 6-1.1-15-6 contains an inadequate record of a
 39 site inspection. Rather than remand a matter under subsection (b),
 40 the tax court may take additional evidence not contained in the
 41 record relating only to observations and other evidence collected
 42 during a site inspection conducted by a hearing officer or other



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1 **employee of the Indiana board of tax review. The evidence may**
 2 **include the testimony of a hearing officer only for purposes of**
 3 **verifying or rebutting evidence regarding the site inspection that**
 4 **is already contained in the record.**

5 SECTION 80. IC 33-3-5-15 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 15. (a) The tax court
 7 shall render its decisions in writing.

8 (b) A decision of the tax court remanding the matter of assessment
 9 of property under IC 6-1.1-15-8 to the ~~state~~ **Indiana** board of tax
 10 ~~commissioners review~~ shall specify the issues on remand on which the
 11 ~~state Indiana board of tax commissioners~~ is to act.

12 (c) The decisions of the tax court may be appealed directly to the
 13 supreme court.

14 SECTION 81. IC 36-2-5-3 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The county
 16 fiscal body shall fix the compensation of officers, deputies, and other
 17 employees whose compensation is payable from the county general
 18 fund, county highway fund, county health fund, county park and
 19 recreation fund, aviation fund, or any other fund from which the county
 20 auditor issues warrants for compensation. This includes the power to:

- 21 (1) fix the number of officers, deputies, and other employees;
- 22 (2) describe and classify positions and services;
- 23 (3) adopt schedules of compensation; and
- 24 (4) hire or contract with persons to assist in the development of
- 25 schedules of compensation.

26 (b) **The county fiscal body shall fix the compensation of a county**
 27 **or township assessor who has attained a level two certification**
 28 **under IC 6-1.1-35.5 at an amount that is one thousand dollars**
 29 **(\$1,000) more than the compensation of an assessor who has not**
 30 **attained a level two certification. The county fiscal body shall fix**
 31 **the compensation of a county or township deputy assessor who has**
 32 **attained a level two certification under IC 6-1.1-35.5 at an amount**
 33 **that is five hundred dollars (\$500) more than the compensation of**
 34 **a county or township deputy assessor who has not attained a level**
 35 **two certification.**

36 (c) Notwithstanding subsection (a), the board of each local health
 37 department shall prescribe the duties of all its officers and employees,
 38 recommend the number of positions, describe and classify positions
 39 and services, adopt schedules of compensation, and hire and contract
 40 with persons to assist in the development of schedules of
 41 compensation.

42 (c) (d) This section does not apply to community corrections



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1 programs (as defined in IC 11-12-1-1 and IC 35-38-2.6-2).

2 SECTION 82. IC 36-2-7-13 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 13. The county
4 fiscal body may grant to the county assessor, in addition to the
5 compensation fixed under IC 36-2-5, a per diem for each day that the
6 assessor is engaged in general reassessment activities, **including**
7 **service on the county land valuation commission.** This section
8 applies regardless of whether professional assessing services are
9 provided under a contract to one (1) or more townships in the county.

10 SECTION 83. IC 36-4-10-5 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) This section
12 applies to second class cities.

13 (b) The fiscal officer is the head of the city department of finance.
14 The fiscal officer shall do the following:

- 15 (1) Prescribe the form of reports and accounts to be submitted to
16 the department.
- 17 (2) Sign and issue all warrants on the city treasury.
- 18 (3) Audit and revise all accounts and trusts in which the city is
19 concerned.
- 20 (4) Keep separate accounts for each item of appropriation made
21 for each city department, including a statement showing the
22 amount drawn on each appropriation, the unpaid contracts
23 charged against it, and the balance remaining.
- 24 (5) At the end of each fiscal year, submit under oath to the city
25 legislative body a report of the accounts of the city published in
26 pamphlet form and showing revenues, receipts, expenditures, and
27 the sources of revenues.
- 28 (6) Maintain custody of the records of the department and turn
29 them over to the fiscal officer's successor in office.
- 30 (7) Perform duties prescribed by statute concerning the
31 negotiation of city bonds, notes, and warrants.
- 32 (8) Keep a register of bonds of the city and of transfers of those
33 bonds.
- 34 (9) Manage the finances and accounts of the city and make
35 investments of city money, subject to the ordinances of the
36 legislative body.
- 37 (10) Issue city licenses on payment of the license fee.
- 38 (11) Collect fees as fixed by ordinance.
- 39 (12) Pay into the city treasury, once each week, all fees and other
40 city money collected by the department during the preceding
41 week, specifying the source of each item.
- 42 (13) Prescribe payroll and account forms for all city offices.



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(14) Prescribe the manner in which salaries shall be drawn.

(15) Prescribe the manner in which creditors, officers, and employees shall be paid.

(16) Provide that all salaries are payable monthly, unless the legislative body establishes more frequent payments.

(17) Notify the city executive of the failure of any city officer to collect money due the city or to pay city money into the city treasury.

(18) Draw warrants on the city treasury for miscellaneous city expenditures not made under the direction of a department and not specifically fixed by statute.

(19) Examine for proper form concerning city taxes the tax duplicates held by the county auditor and county treasurer.

SECTION 84. IC 36-6-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 5. (a) When performing the real property reassessment duties prescribed by IC 6-1.1-4, ~~an elected~~ a township assessor may receive per diem compensation, in addition to salary, at a rate fixed by the county fiscal body, for each day that he is engaged in reassessment activities, **including service on the county land valuation commission.**

(b) Subsection (a) applies regardless of whether professional assessing services are provided to a township under contract.

SECTION 85. THE FOLLOWING ARE REPEALED [EFFECTIVE UPON PASSAGE]: IC 6-1.1-12.1-5.8; IC 6-1.1-30-9.

SECTION 86. IC 6-1.1-33 IS REPEALED [EFFECTIVE JULY 1, 2001].

SECTION 87. IC 6-1.1-4-13.6 IS REPEALED [EFFECTIVE JANUARY 1, 2002].

SECTION 88. [EFFECTIVE JULY 1, 2001] (a) **A petition for review to the state board of tax commissioners under IC 6-1.1-15-3 with respect to which the state board has not issued a final determination before July 1, 2001, is transferred from the state board to the Indiana board of tax review on July 1, 2001.**

(b) IC 6-1.1-15-4 and IC 6-1.1-15-5, both as amended by this act, apply to petitions for review transferred under subsection (a).

(c) The state board of tax commissioners shall transfer by August 1, 2001, the records relating to each petition for review under this SECTION.

SECTION 89. [EFFECTIVE JULY 1, 2001] (a) **The Indiana board of tax review shall conduct coefficient of dispersion and sales assessment ratio studies under IC 6-1.5-6 that apply to the 2002 assessment year.**

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(b) This SECTION expires January 1, 2003.

SECTION 90. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 6-1.1-4-27, as amended by this act, with respect to the reassessment fund established for the general reassessment to be completed on or before March 1, 2002, under IC 6-1.1-4-4, as amended by this act, the state board of tax commissioners may approve levies under IC 6-1.1-4-27 for property taxes due in 2002 and 2003 if the state board determines it is appropriate because the estimated cost of the general reassessment has changed.

(b) This SECTION expires January 1, 2004.

SECTION 91. [EFFECTIVE JULY 1, 2001] Notwithstanding IC 33-3-5-2, as amended by this act, the tax court has exclusive jurisdiction over any case that arises under the tax laws of this state and that is an initial appeal initiated after June 30, 2001, of a final determination made by the state board of tax commissioners if the following apply:

(1) The tax court would have had jurisdiction over the case if the appeal had been initiated before July 1, 2001.

(2) This act does not provide that the final determination is subject to appeal to the Indiana board of tax review.

SECTION 92. [EFFECTIVE UPON PASSAGE] (a) IC 6-1.1-3-7.5, as amended by this act, applies to property taxes first due and payable after December 31, 2001.

(b) IC 6-1.1-15-4, as amended by this act, applies to petitions for review filed under IC 6-1.1-15-3, as amended by this act, after June 30, 2001.

(c) IC 6-1.1-15-5, as amended by this act, applies to final determinations issued under IC 6-1.1-15-4, as amended by this act, after June 30, 2001.

(d) IC 6-1.1-15-6, as amended by this act, applies to appeals initiated under IC 6-1.1-15-5, as amended by this act, after June 30, 2001.

(e) IC 6-1.1-26-5, as amended by this act, applies to refunds on refund claims filed after June 30, 2001.

SECTION 93. [EFFECTIVE JANUARY 1, 2001 (RETROACTIVE)] (a) IC 6-1.1-10-18.5, IC 6-1.1-20.5-1, IC 6-1.1-20.5-3, and IC 6-1.1-20.5-4, all as amended by this act, and IC 6-1.1-20.5-1.3, IC 6-1.1-20.5-1.5, and IC 6-1.1-20.5-2.3, all as added by this act, apply to property taxes first due and payable after December 31, 2001.

(b) Credits under IC 6-1.1-20.5 with respect to taxes payable in

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1 **calendar year 2001 apply under IC 6-1.1-20.5 as in effect on**
2 **December 31, 2000.**
3 **(c) This SECTION expires January 1, 2003.**
4 **SECTION 94. An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 525, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 11, delete lines 6 through 42.

Page 12, delete lines 1 through 14.

Re-number all SECTIONS consecutively.

and when so amended that said bill be reassigned to the Senate Committee on Finance.

(Reference is to SB 525 as introduced.)

GARTON, Chairperson

Committee Vote: Yeas 8, Nays 0.

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SENATE MOTION

Mr. President: I move that Senator Jackman be added as coauthor of Senate Bill 525.

KENLEY

SENATE MOTION

Mr. President: I move that Senator Simpson be added as second author of Senate Bill 525.

KENLEY

SENATE MOTION

Mr. President: I move that Senator Meeks R be added as coauthor of Senate Bill 525.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Finance, to which was referred Senate Bill No. 525, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 5, delete lines 10 through 31.

Page 11, line 33, delete "the" and insert "~~the~~".

Page 13, line 14, delete "or"

Page 13, line 15, delete "." and insert "; or

(3) purchasing computer software or hardware for a property record system."

Page 25, line 41, strike "reasons why the petitioner believes" and insert "**specific substantive grounds for the petitioner's belief**".

Page 28, line 36, delete "of" and insert "**incurred by the property tax assessment board of appeals in**".

Page 28, line 37, after "IC 6-1.1-4-27." insert "**In addition, the executive of a taxing unit may file an amicus curiae brief in the review proceeding under this section if the property whose assessment is under appeal is subject to assessment by that taxing unit.**".

Page 28, line 41 delete ":

Page 28, line 42, delete "(1)".

Page 28, run in lines 41 through 42.

Page 29, line 1, delete "; or" and insert ".".

Page 29, delete lines 2 through 3.

Page 30, line 33, after "(g)" insert "**A person participating in the hearing required under subsection (a) is entitled to introduce evidence that is otherwise proper and admissible without regard to whether that evidence has previously been introduced at a hearing before the county property tax assessment board of appeals.**".

Page 30, line 39, delete "ten (10)" and insert "**fifteen (15) business**".

Page 31, line 11, strike "thirty (30)" and insert "**fifteen (15)**".

Page 31, line 12, strike "thirty".

Page 31, line 13, strike "(30)" and insert "**fifteen (15)**".

Page 31, line 14, strike "deny" and insert "**approve**".

Page 31, line 38, delete "of" and insert "**incurred by the property tax assessment board of appeals in**".

Page 31, line 40, after "IC 6-1.1-4-27." insert "**In addition, the executive of a taxing unit may file an amicus curiae brief in the review proceeding under this section if the property whose assessment is under appeal is subject to assessment by that taxing unit.**".

SB 525—LS 8098/DI 52+



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Page 32, line 1, delete ":".

Page 32, line 2, delete "(1)".

Page 32, run in lines 1 through 2.

Page 32, line 3, delete "; or" and insert ".".

Page 32, delete lines 4 through 5.

Page 32, delete lines 34 through 42, begin a new paragraph and insert:

"(f) In a case in which the final determination of the state board of tax commissioners would result in a claim by a taxpayer with respect to a particular year for a refund that exceeds:

(1) eight hundred thousand dollars (\$800,000); or

(2) an amount equal to ten percent (10%) of the aggregate tax levies of all taxing units in the county for that year;

whichever is less; The county executive may shall take an appeal to the".

Page 35, delete lines 30 through 42.

Page 36, delete lines 1 through 5.

Page 36, line 8, delete ", regardless of whether a petition" and insert ". ".

Page 36, delete line 9.

Page 36, line 24, reset in roman "auditor".

Page 36, line 24, delete "assessor".

Page 39, line 28, delete "property" and insert "property".

Page 47, delete lines 39 through 42.

Page 48, delete lines 1 through 24.

Page 52, delete lines 5 through 30.

Page 64, between lines 30 and 31, begin a new line block indented and insert:

"(2) Make available to each county and township software that permits the transfer of the data described in subdivision (1) to the division in a uniform format through a secure connection over the Internet."

Page 64, line 31, delete "(2)" and insert "(3)".

Page 64, line 34, delete "(3)" and insert "(4)".

Page 72, line 40, before "assessor" insert "or township".

Page 75, line 20, delete "a levy" and insert "levies".

Page 75, line 21, after "2002" insert "and 2003".

Page 75, line 24, delete "2003" and insert "2004".

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Renumber all SECTIONS consecutively.
and when so amended that said bill do pass.

(Reference is to SB 525 as printed January 31, 2001.)

BORST, Chairperson

Committee Vote: Yeas 13, Nays 0.

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SENATE MOTION

Mr. President: I move that Senate Bill 525 be amended to read as follows:

Page 10, line 35, delete "elected".

Page 10, line 35, after "county assessor" insert **"upon the request of the township trustee"**.

Page 17, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 20. IC 6-1.1-10-18.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001 (RETROACTIVE)]:
Sec. 18.5. (a) This section does not exempt from property tax an office or a practice of a physician or group of physicians that is owned by a hospital licensed under IC 16-21-1 or other property that is not substantially related to or supportive of the inpatient facility of the hospital unless the office, practice, or other property:

- (1) provides or supports the provision of charity care (as defined in IC 16-18-2-52.5), including funds or other financial support for health care services for individuals who are indigent (as defined in IC 16-18-2-52.5(b) and IC 16-18-2-52.5(c)); or
- (2) provides or supports the provision of community benefits (as defined in IC 16-21-9-1), including research, education, or government sponsored indigent health care (as defined in IC 16-21-9-2).

However, participation in the Medicaid or Medicare program, alone, does not entitle an office, a practice, or other property described in this subsection to an exemption under this section.

(b) Tangible property is exempt from property taxation if it is:

- (1) owned by an Indiana nonprofit corporation; and
- (2) used by that corporation in the operation of **a hospital licensed under IC 16-21**, a health facility licensed under IC 16-28, or in the operation of a residential facility for the aged and licensed under IC 16-28, or in the operation of a Christian Science home or sanatorium."

Page 74, line 11, after "(a)" insert **"IC 6-1.1-10-18.5,"**.

Re-number all SECTIONS consecutively.

(Reference is to SB 525 as printed February 16, 2001.)

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